

INDEPENDENCE CITY COMMISSION

REGULAR SESSION AGENDA

December 22, 2022

5:30 PM

Civic Center Memorial Hall

To participate by conference call:
1 785-289-4727 Conference ID: 592 706 042#

The Agenda shall be as follows:

I. REGULAR SESSION

- A. Call to Order
- B. Pledge of Allegiance to the United States of America
- C. Adoption of Agenda

II. CONSENT AGENDA

(*Consent* is that class of Commission action that requires no further discussion or which is routine in nature. All items on the Consent Agenda are adopted by a single motion unless removed from the Consent Agenda.)

A. Consider approving the following Cereal Malt Beverage licenses:

- 1. Kevin Ford DBA Ace & Gunner's Tavern 112 S. 25th, Independence KS 67301
- 2. Jessica Box DBA Indy Brew Works 223 W Main Independence KS 67301
- 3. Matthew Kent DBA Gramps Tavern 811 N. 11Th, Independence KS 67301
- 4. Pete's Independence 401. W Main, Independence KS 67301
- 5. Akas 1 LLC 3024 W. Main, Independence KS 67301
- 6. Walgreens #09454 301 W. Main, Independence KS 67301
- 7. Walmart #2893 121 Peter Pan, Independence KS 67301
- 8. Pizza Hut Of SE Kansas 1815 N. Penn, Independence KS 67301
- 9. Casey's General Store #1814 1305 N Penn, Independence KS 67301
- 10. DG Retail, LLC 1210 East Main Independence KS 67301
- 11. G & W 2 LLC 416 W Myrtle Independence KS 67301
- 12. Mikie's 1901 N. Penn Independence, KS 67301

- B. Consider authorizing the Capital Improvement Plan for submittal to the Federal Aviation Administration.
- C. Consider authorizing the purchase of a new Street Department truck with lift gate.
- D. Consider authorizing a change order with Professional Engineering Consultants, P.A. (PEC).
- E. Consider bidding disposal of the Water Treatment Plant residuals.
- F. Consider chemical bids for the Water Treatment Plant.
- G. Consider awarding the bid for a new sewer pump.
- H. Consider adopting an ordinance amending Ordinance No. 4344 having to do with court costs.

III. PUBLIC HEARING

- A. Public Hearing to consider condemnation of 1016 W. Myrtle as dangerous and unsafe.
- B. Public Hearing to consider condemnation of 217 S. Earl as dangerous and unsafe.

- C. Public Hearing to consider condemnation of a garage at 108 S. Wald as dangerous and unsafe.
- D. Public Hearing for submission of a CBDG Commercial Rehabilitation Grant for 106 N. 8th on behalf of Trident Partnerships LLC, including the approval of Resolution #2022-070 and Resolution #2022-071.

IV. ITEMS FOR COMMISSION ACTION

- A. Consider change order for the City Hall project
- B. Consider electrical repairs for the Evidence Building.
- C. Consider approving additional funding for the Downtown Building Grant
- D. Consider approval of Downtown Building Grants.
- E. Consider adopting an ordinance regulating political signs.
- F. Consider adopting an ordinance rezoning a tract of land at 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multifamily dwelling district.
- G. Consider adopting a resolution for a conditional use permit for "Antiques - Retail" in a C-1 neighborhood business district at 504-506 South 10th Street.
- H. Consider adopting an ordinance rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district to C-2, commercial services district.
- I. Consider setting the date of February 23, 2023 at 5:30 PM for a Public Hearing to consider the condemnation of 1016 E. Edison as dangerous and unsafe.
- J. Consider adopting an ordinance amending Appendix D concerning Cemetery Fees.
- K. Consider authorizing the bidding of two new fuel bowzers for the Independence Municipal Airport.
- L. Consider the 2023 City Commission and City holiday schedule.

V. REPORTS

- A. Monthly Projects and Public Works Report

VI. CITY MANAGER'S COMMENTS

VII. COMMISSIONERS' COMMENTS

VIII. PUBLIC CONCERNS

IX. EXECUTIVE SESSION

- A. Data relating to financial affairs or trade secrets of second parties.
- B. Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship.

X. ADJOURNMENT



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022

Department City Clerk

Director Approval David Schwenker

AGENDA ITEM Consider approving the following Cereal Malt Beverage licenses:

1. Kevin Ford DBa Ace & Gunner's Tavern 112 S. 25th, Independence KS 67301
2. Jessica Box DBA Indy Brew Works 223 W Main Independence KS 67301
3. Matthew Kent DBA Gramps Tavern 811 N. 11Th, Independence KS 67301
4. Pete's Independence 401. W Main, Independence KS 67301
5. Akas 1 LLC 3024 W. Main, Independence KS 67301
6. Walgreens #09454 301 W. Main, Independence KS 67301
7. Walmart #2893 121 Peter Pan, Independence KS 67301
8. Pizza Hut Of SE Kansas 1815 N. Penn, Independence KS 67301
9. Casey's General Store #1814 1305 N Penn, Independence KS 67301
10. DG Retail, LLC 1210 East Main Independence KS 67301
11. G & W 2 LLC 416 W Myrtle Independence KS 67301
12. Miki's 1901 N. Penn Independence, KS 67301

SUMMARY RECOMMENDATION Approve Cereal Malt Beverage licenses.

BACKGROUND

FINANCIAL INFORMATION

SUGGESTED MOTION I move to approve the Cereal Malt Beverage licenses as listed.

SUPPORTING DOCUMENTS

1. 2023 CMB Licenses



144988

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee, \$ 225.00No. 3313**DEALER'S RETAIL LICENSE**From 01 01 , 2023
Month Day YearTo 12 31 , 2023
Month Day Year**To All Whom It May Concern:****License is here by granted to** Gramps Tavern **to sell at retail****CEREAL MALT BEVERAGES**

(State if for consumption on the premises, or for sale in original and unopened containers and not for consumption on the premises.)

at 811 N. 11th
(Give exact location, with street number, if any.)**in the City of Independence in Montgomery County, Kansas,**

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

This License will expire December 31 , 2023 unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.Given under our hands and the corporate seal of said City, this 22nd
day of December , 2022

Countersigned:

City Treasurer

Lacey Res Mayor
City Clerk

Form 8-37-82236





144989

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee, \$ 225.00No. 6169**DEALER'S RETAIL LICENSE**From 01 01 , 2023
Month Day YearTo 12 31 , 2023
Month Day Year***To All Whom It May Concern:******License is here by granted to*** Indy Brew works LLC ***to sell at retail*****CEREAL MALT BEVERAGES**

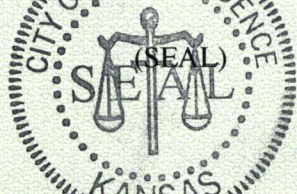
(State if for consumption on the premises, or for sale in original and unopened containers and not for consumption on the premises.)

at223 W. Main

(Give exact location, with street number, if any.)

in the City of Independence in Montgomery County, Kansas,

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

This License will expire December 31, 2023 unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.Given under our hands and the corporate seal of said City, this 22nd
day of December , 2022

Countersigned:

Lacey Liles
Mayor

City Treasurer

City Clerk

Form B-873-82236



144990

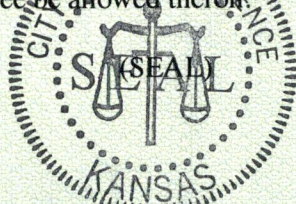
KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee, \$ 225.00No. 6294**DEALER'S RETAIL LICENSE**From 01 01 , 2023
Month Day YearTo 12 31 , 2023
Month Day Year***To All Whom It May Concern:******License is here by granted to*** Ace + Gunner's Tavern ***to sell at retail*****CEREAL MALT BEVERAGES**

(State if for consumption on the premises, or for sale in original and unopened containers and not for consumption on the premises.)

at 112 S. 25th
(Give exact location, with street number, if any.)***in the City of Independence in Montgomery County, Kansas,***

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

This license will expire December 31 , 2023 unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.Given under our hands and the corporate seal of said City, this 22nd
day of December , 2022

Countersigned:

Lucy Ries Mayor
City Clerk

City Treasurer

Form B-373-82236



144987

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee, \$ 75.00No. 6612**DEALER'S RETAIL LICENSE**From 01 01 , 2023
Month Day YearTo 12 31 , 2023
Month Day Year**To All Whom It May Concern:****License is here by granted to** Pete's Independence **to sell at retail****CEREAL MALT BEVERAGES**

(State if for consumption on the premises, or for sale in original and unopened containers and not for consumption on the premises.)

at 401 W. Main
(Give exact location, with street number, if any.)**in the City of Independence in Montgomery County, Kansas,**

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

This License will expire December 31, 2023 unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.Given under our hands and the corporate seal of said City, this 22nd
day of December 22 , _____

Countersigned:

Lacey Lee Mayor_____
City Treasurer_____
City Clerk



144986

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee, \$ 75.00No. 6003**DEALER'S RETAIL LICENSE**From 01 01, 2023
Month Day YearTo 12 31, 2023
Month Day Year***To All Whom It May Concern:******License is here by granted to*** AKAS 1 LLC ***to sell at retail*****CEREAL MALT BEVERAGES**

(State if for consumption on the premises, or for sale in original and unopened containers and not for consumption on the premises.)

at 3024 W. Main
(Give exact location, with street number, if any.)***in the City of Independence in Montgomery County, Kansas,***

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

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day of December, 2022

Countersigned:

Lacey Liles -Mayor
City Clerk

City Treasurer

Form B-373-82236

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee, \$ 75.00

No. 2955



144995

DEALER'S RETAIL LICENSE

From 01 01 , 2023
Month Day Year

To 12 31 , 2023
Month Day Year

To All Whom It May Concern:

License is here by granted to Walgreens #09454 **to sell at retail**

CEREAL MALT BEVERAGES

(State if for consumption on the premises, or for sale in original and unopened containers and not for consumption on the premises.)

at 301 W. Main
(Give exact location, with street number, if any.)

in the City of Independence in Montgomery County, Kansas,

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

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Given under our hands and the corporate seal of said City, this 22nd
day of December , 2022

Countersigned:

City Treasurer

Lacey Ries Mayor
City Clerk

Form B-373-82236



144994

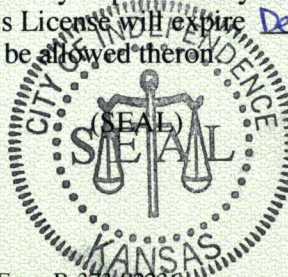
KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee, \$ 75.00No. #0333**DEALER'S RETAIL LICENSE**From 01 01, 2023
Month Day YearTo 12 31, 2023
Month Day Year**To All Whom It May Concern:****License is here by granted to** Walmart #2893 **to sell at retail****CEREAL MALT BEVERAGES**

(State if for consumption on the premises, or for sale in original and unopened containers and not for consumption on the premises.)

at 121 Peter Pan
(Give exact location, with street number, if any.)**in the City of Independence in Montgomery County, Kansas,**

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

This License will expire December 31, 2023 unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.Given under our hands and the corporate seal of said City, this 22nd
day of December, 2022

Countersigned:

Lacey Ries Mayor

City Treasurer

City Clerk

Form B-375-82236



KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee, \$ 225.00

No. 0198

DEALER'S RETAIL LICENSE

From 01 01 , 2023
Month Day Year

To 12 31 , 2023
Month Day Year

To All Whom It May Concern:

License is here by granted to Pizza Hut of SE Kansas to sell at retail

CEREAL MALT BEVERAGES

(State if for consumption on the premises, or for sale in original and unopened containers and not for consumption on the premises.)

at 1815 N. Penn
(Give exact location, with street number, if any.)

in the City of Independence in Montgomery County, Kansas,

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

This License will expire December 31 , 2023 unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.



Given under our hands and the corporate seal of said City, this 22nd
day of December , 22

Countersigned:

City Treasurer

Lacey Ries Mayor
City Clerk

Form B-373-82236



144992

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee, \$ 75.00No. 5665**DEALER'S RETAIL LICENSE**From 01 01, 2023
Month Day YearTo 12 31, 2023
Month Day Year**To All Whom It May Concern:****License is here by granted to** Casey's General Store #1814 **to sell at retail****CEREAL MALT BEVERAGES**

(State if for consumption on the premises, or for sale in original and unopened containers and not for consumption on the premises.)

at 1305 N. Penn
(Give exact location, with street number, if any.)**in the City of Independence in Montgomery County, Kansas,**

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

This License will expire December 31, 2023 unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.Given under our hands and the corporate seal of said City, this 22nd
day of December, 2022

Countersigned:

Lacey Ries Mayor

City Treasurer

City Clerk

Form B-373-82236



144991

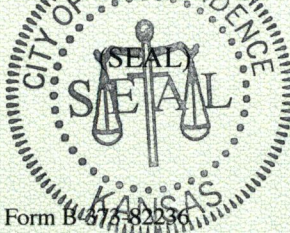
KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee, \$ 75.00No. 6246**DEALER'S RETAIL LICENSE**From 01 01 , 2023
Month Day YearTo 12 31 , 2023
Month Day Year**To All Whom It May Concern:**License is here by granted to DG Retail, LLC to sell at retail**CEREAL MALT BEVERAGES**

(State if for consumption on the premises, or for sale in original and unopened containers and not for consumption on the premises.)

at 1210 E. Main
(Give exact location, with street number, if any.)**in the City of Independence in Montgomery County, Kansas,**

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

This License will expire December 31 , 2023 unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.Given under our hands and the corporate seal of said City, this 22nd
day of December , 22
Countersigned: Lacey Lins Mayor

City Treasurer

City Clerk

Form B-675-8-2023



145000

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee, \$ 75.00No. 5556**DEALER'S RETAIL LICENSE**From 01 01 , 2023
Month Day YearTo 12 31 , 2023
Month Day Year**To All Whom It May Concern:****License is here by granted to** G & W 2 LLC **to sell at retail****CEREAL MALT BEVERAGES**

(State if for consumption on the premises, or for sale in original and unopened containers and not for consumption on the premises.)

at416 W. Myrtle
(Give exact location, with street number, if any.)**in the City of Independence in Montgomery County, Kansas,**

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

This License will expire December 31 , 2023 unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.Given under our hands and the corporate seal of said City, this 22nd
day of December , 2022

Countersigned:

Lacey Rios Mayor

City Treasurer

City Clerk

Form B-378-82290



144999

KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

Fee, \$ 75.00No. 6504**DEALER'S RETAIL LICENSE**From 01 01, 2023
Month Day YearTo 12 31, 2023
Month Day Year***To All Whom It May Concern:******License is here by granted to*** Mikies ***to sell at retail*****CEREAL MALT BEVERAGES**

(State if for consumption on the premises, or for sale in original and unopened containers and not for consumption on the premises.)

at 1901 N. Penn
(Give exact location, with street number, if any.)***in the City of Independence in Montgomery County, Kansas,***

Application therefor, on file in the office of the City Clerk of said City, having been approved by the governing body such City as provided by the Laws of Kansas and the rules, regulations and ordinances pertaining thereto.

This License will expire December 31, 2023 unless sooner revoked, is not transferable, nor will any refund of the fee be allowed thereon.Given under our hands and the corporate seal of said City, this 22nd
day of December, 2022

Countersigned:

Lacey Ries Mayor

City Treasurer

City Clerk



Form B-323-82-96



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Airport

Director Approval John Garris

AGENDA ITEM Consider authorizing the Capital Improvement Plan for submittal to the Federal Aviation Administration.

SUMMARY RECOMMENDATION Authorize submittal.

BACKGROUND Annually the City works with Lochner to prepare and provide a Capital Improvement Plan (CIP) to the Federal Aviation Administration (FAA).

Attached is the latest version of the CIP summary, which varies only as noted from last year's plan on minor cost fluctuations due to inflation.

FINANCIAL INFORMATION Capital spending will be included in the City Budget.

SUGGESTED MOTION I move to authorize the Capital Improvement Plan for submittal to the Federal Aviation Administration.

SUPPORTING DOCUMENTS

1. 00_ACIP Project Summary_IDP_FFY2024

INDEPENDENCE MUNICIPAL AIRPORT (IDP)

INDEPENDENCE, KANSAS

CITY OF INDEPENDENCE

12/7/2022

AIRPORT DATA					
Est. FFY 2023 Project Fed. Share: (See Note 1)	\$0	Noted 5010 Obstructions			
Beginning NPE Balance (FFY 2021 - 2024): (See Note 2)	\$327,251	Obstruction			
Beginning BIL Balance: (FFY 2022 - 2024)	\$336,000	Height			
Sponsor Control of RW 18 RPZ:	RW 17 (Fee)	Distance & RW End			
Sponsor Control of RW 36 RPZ:	RW 35 (Fee)	Centerline Offset			
	RW 4 (Fee)				
	RW 22 (Fee)				

5-YEAR CAPITAL IMPROVEMENT PROGRAM										
Federal Fiscal Year	Project Description or N/A	Project Depicted on Approved ALD	Est. Total Project Cost	Sponsor Share (10%)	FAA Share (90%)	Available NPE Funds	Remaining NPE Funds	Available BIL Funds	Remaining BIL Funds	Total Remaining Funds
2024 (See Notes 3 and 4)	Seal Coat and Remark North Portion of Runway 17-35 Parallel Taxiway, and Blast Pad and Compass Calibration Pad Connecting Taxiways	☒	\$ 315,000	\$ 31,500	\$ 283,500	\$ 327,251	\$ 43,751	\$ 336,000	\$ 336,000	\$ 379,751
	Rehabilitate and Remark South Portion of Runway 17-35 Parallel Taxiway, Runway 17-35 End Connecting Taxiways, and Blast Pad Connecting Taxiway	☒	\$ 420,000	\$ 42,000	\$ 378,000	\$ 43,751	\$ -	\$ 336,000	\$ 1,751	\$ 1,751
2025	N/A	☐	\$ -	\$ -	\$ -	\$ 150,000	\$ 150,000	\$ 114,751	\$ 114,751	\$ 264,751
2026	N/A	☐	\$ -	\$ -	\$ -	\$ 300,000	\$ 300,000	\$ 227,751	\$ 227,751	\$ 527,751
2027	N/A	☐	\$ -	\$ -	\$ -	\$ 450,000	\$ 450,000	\$ 227,751	\$ 227,751	\$ 677,751
2028	Reconstruct Runway 17-35 (DESIGN)	☒	\$ 400,000	\$ 40,000	\$ 360,000	\$ 600,000	\$ 240,000	\$ 227,751	\$ 227,751	\$ 467,751

LONG-RANGE NEEDS ASSESSMENT				
Federal Fiscal Year	Project Description	Est. Total Project Cost	Sponsor Share (10%)	FAA Share (90%)
2029	Reconstruct Runway 17-35 (PAVING CONSTRUCTION)	\$7,000,000	\$700,000	\$6,300,000
2030	Reconstruct Runway 17-35 (ELECTRICAL CONSTRUCTION)	\$500,000	\$50,000	\$450,000
TBD	Replace Airfield Guidance Signs	\$430,000	\$43,000	\$387,000

NOTES	
1.	No project planned for FFY 2023.
2.	FFY 2021 rehab. project utilized a portion of FFY 2022 funding through a multi-year grant.
3.	Asphalt overlay for connecting Taxiway C completed in 2014 and asphalt overlay for north portion of Runway 17-35 parallel taxiway completed in 2015.
4.	South portion of Runway 17-35 parallel taxiway, runway end connecting taxiways, and blast pad connecting taxiway constructed in 2008.
5.	
6.	
7.	
8.	
9.	



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Street

Director Approval John Garris

AGENDA ITEM Consider authorizing the purchase of a new Street Department truck with lift gate.

SUMMARY RECOMMENDATION Approve purchase.

BACKGROUND The City solicited bids for a replacement lift gate truck earlier this (2022) summer and there were no responses. The existing truck is used for hauling bulky equipment and is also the primary vehicle used in repairing potholes. The current lift gate is having performance issues.

After requesting bids from multiple car dealers, a quote was finally received in early December. This quote (attached) was from Quality Motors here in Independence for the total amount of \$76,805.00. This is very close to the originally budgeted amount.

FINANCIAL INFORMATION This is to be purchased with Street Department funds.

SUGGESTED MOTION I move to authorize awarding the purchase of the new Street Department truck to Quality Motors, for the price of \$76,805.00 and to execute any required documentation for this purchase.

SUPPORTING DOCUMENTS

1. 20221202152506494

Quality Motors Inc.

2022 W. Main Street
Independence, KS 67301
(620) 331-6090

Quote

INVOICE

Customer

Name CITY OF INDEPENDEND
Address \\\nCity INDEPENDENCE State KS ZIP 67301
Phone STREET DEPT ATN: JOE

Date 12/2/2022
Order No.
Rep
FOB

Qty	Description	Unit Price	TOTAL
1	2023 FORD F350 CAB CHASSIS V8 GAS WHITE TRUCK 4X4	\$54,105.00	\$54,105.00
1	9 FOOT DUMP BED	\$22,700.00	\$22,700.00
	ATTACHED SPECS		
	QUOTE GOOD THRU 12-31-22		
	ETA 24-32 WEEKS		
	NOT A GUARANTEE DELIVERY		

Payment Details

- ☐ Cash
☒ Check
☐ Credit Card

Name
CC #
Expires

SubTotal	\$76,805.00
Shipping & Handling	\$0.00
Taxes State	
TOTAL	\$76,805.00

For more information, contact
Marsha Loveless at 620-331-6090

Thank You!



Preview Order M110 - W3F 4x4 Crew Chas Cab SRW: Order Summary Time of Preview: 12/02/2022 15:01:10 Receipt: 11/10/2022

Dealership Name: Quality Motors of Independence, Inc.

Sales Code: F53659

Dealer Rep.	Marsha Loveless	Type	Fleet	Vehicle Line	Superduty	Order Code	M110
Customer Name	city of inde	Priority Code	A2	Model Year	2023	Price Level	315

DESCRIPTION	MSRP	DESCRIPTION	MSRP
F350 4X4 CREW CHAS CAB SRW/179		4.30 ELECTRONIC-LOCKING AXLE	\$0
.179 INCH WHEELBASE	\$0	SPARE TIRE AND WHEEL	
TOTAL BASE VEHICLE		JACK	\$0
OXFORD WHITE	\$0	PLATFORM RUNNING BOARDS	
VINYL 40/20/40 SEATS	\$0	11400# GVWR PACKAGE	\$0
MEDIUM DARK SLATE	\$0	50 STATE EMISSIONS	\$0
PREFERRED EQUIPMENT PKG.630A	\$0	JOB #1 ORDER	\$0
.XL TRIM	\$0	SPECIAL FLEET ACCOUNT CREDIT	\$0
.AIR CONDITIONING -- CFC FREE	\$0	FUEL CHARGE	\$0
.AM/FM STEREO MP3/CLK	\$0	PRICED DORA	\$0
.7.3L DEVCT NA PFI V8 ENGINE	\$0	ADVERTISING ASSESSMENT	\$0
10-SPEED AUTO TORQSHIFT	\$0	DESTINATION & DELIVERY	
.LT275/65R18E BSW ALL SEASON	\$0		
TOTAL BASE AND OPTIONS			
DISCOUNTS			
TOTAL			

ORDERING FIN: KW876 END USER FIN: KW876

54 105⁰⁰

Customer Name:
Customer Address:

Customer Email:

Customer Phone:

Customer Signature

Date

This order has not been submitted to the order bank.

This is not an invoice.



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Public Works & Utilities

Director Approval John Garris

AGENDA ITEM Consider authorizing a change order with Professional Engineering Consultants, P.A. (PEC).

SUMMARY RECOMMENDATION Authorize execution of change order.

BACKGROUND PEC has been working through the engineering design and KDHE approval associated with Water Treatment Plant Master Plan items. PEC has requested Supplemental Agreement No. 5 due to changes and/or construction of work sooner than anticipated, as outlined below.

After review with KDHE, a dechlorination system was specified as required for water streams that would be rejected back to the river after chlorination. This requires a new building, equipment, and associated piping to be accounted for and engineered. This amount is included in this change.

The design of other minor improvements to the existing infrastructure (clearwell vents, etc.) that were included in a later phase, but pulled forward by KDHE, are also included.

This change order includes the design, bidding, and construction administration tasks for the above items.

Additionally, PEC has been working with the City on preparing a process and gaining necessary approvals to bid the disposal of water plant residual sediments. This was planned work, but was too undefined at the time of original Master Plan approval to be quantified. This effort is included in the change order as well.

FINANCIAL INFORMATION This will be paid for from funds borrowed from the KDHE revolving loan program.

SUGGESTED MOTION I move to authorize execution of Supplemental Agreement No. 5 with Professional Engineering Consultants, P.A., in the amount of \$43,200.00.

SUPPORTING DOCUMENTS

1. 190768-001 - SA No. 5 (2022-12-08)_S

December 08, 2022

John Garris, City Engineer
City of Independence
811 W. Laurel Street
Independence, KS 67301

Reference: Independence WTP Phase 2 Improvements
Supplemental Agreement No. 5
Original Contract Date: March 3, 2020
PEC Project No. 35-190768-001-0918

Dear Mr. Garris:

This Supplemental Agreement by Professional Engineering Consultants, P.A. (PEC) modifies the referenced Agreement, and any other previous Supplemental Agreements as may be noted herein.

A. Modification of Scope:

1. See attached Exhibit A.

B. Time of Performance:

1. Estimated design completion will be in February 2023. A detailed schedule will be determined with the city after execution of this supplemental.

C. Payment Provisions:

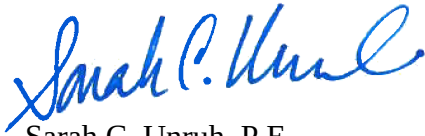
1.	Original Contract amount	\$ 171,500.00
2.	Net change by previous Supplemental Agreement(s)	\$ 77,762.00
3.	The contract amount will increase by this Supplemental Agreement in the amount of	<u>\$ 43,200.00</u>
4.	The new contract amount including this Supplemental Agreement will be	\$ 292,462.00

Mr. John Garris
Independence WTP Phase 2 Improvements
Supplemental Agreement No. 5
December 08, 2022
Page 2

D. Authorization to Proceed:

1. Return receipt of this executed Supplemental Agreement will be considered our authorization to proceed.

Sincerely,
PROFESSIONAL ENGINEERING CONSULTANTS, P.A.



Sarah C. Unruh, P.E.
Principal

SCU:ev

ACCEPTED:

CITY OF INDEPENDENCE

By: _____

Title: _____

Date: _____



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Public Works & Utilities

Director Approval John Garris

AGENDA ITEM Consider bidding disposal of the Water Treatment Plant residuals.

SUMMARY RECOMMENDATION Approve bidding for residual removal.

BACKGROUND As a part of the Water Treatment Plant's processes, a sediment is generated. Since this sediment exits the process after the water treatment has begun (i.e., chemicals are introduced) it cannot be reintroduced back into the water. This sediment ("residuals") is stored in basins prior to being appropriately disposed of. These basins are nearly full of accumulated residuals.

As this is not waste with deleterious properties, it can be integrated into agricultural or pastureland. This request is to bid the hauling and disposal of the material in accordance with KDHE guidelines.

Bids would be due on January 12, 2023.

FINANCIAL INFORMATION This would be paid for from Water Treatment Plant funds.

SUGGESTED MOTION I move to approve bidding Water Treatment Plant residual disposal.

SUPPORTING DOCUMENTS

1. Sludge Hauling RFQ REV 1 (002)
2. Solids Hauling RFQ Figures

REQUEST FOR QUOTATIONS

The City of Independence, Kansas, is accepting quotations for hauling solids meeting or exceeding the attached specifications.

Bids must be sent to the office of the City Clerk, 811 W. Laurel Street, Independence, Ks. 67301, on or before 2:00 p.m. Thursday, January 12th, 2023. Bids shall be enclosed in a sealed envelope plainly marked on the outside "WTP SOLIDS HAULING SERVICES". If bid is mailed, the original ~~envelope~~ shall be enclosed in a separate envelope addressed to the City Clerk, also plainly marked on the outside as stated above. E-mail or fax bids will not be accepted. The apparent low bid will then be presented to the Independence City Commission at a 2023 regular meeting for their formal action.

The city reserves the right to accept or reject any or all bids or to waive any irregularities should any occur as may best benefit the City. The City Manager may require that no bidder may withdraw a bid for a period of up to forty-five (45) days after the date and hour set for opening bids, but that a bid may be withdrawn up to twenty-four (24) hours prior to expiration of the deadline for submitted bids.



Lacey Lies, Finance Director

12/23/2022

Date

SECTION I – INTRODUCTION

The City of Independence (the City) is requesting bids for hauling solids from the water treatment plant (WTP) residuals lagoon to sites approved by the Kansas Department of Health and Environment (KDHE). Though hauling of this material is not anticipated to interfere with WTP operations, coordination with staff will be required. Maps showing potential disposal sites are attached.

SECTION II – SUMMARY OF SCOPE OF WORK

CONTRACTOR’S RESPONSIBILITIES

1. Contractor shall deliver up to 3,400 cubic yards of solids from the WTP residuals lagoon to the KDHE-approved disposal sites. The location of the residuals lagoon and disposal sites is shown on Figure 1.
2. Contractor shall distribute the solids and incorporate them into the soil in accordance with the requirements listed in Section VI.
3. Contractor may remove brush and vegetation from the lagoon cell and haul to the City Brush Dump at Property 1 for disposal. Reference Figure 1 for general location of Property 1.
4. Coordinate with the City for scheduling of haul times and access requirements at least 7 days prior to being onsite to begin work.
5. Contractor shall adhere to all applicable local, state, and federal regulations for the sludge removal, hauling, and disposal processes.

CITY’S RESPONSIBILITIES

1. Maintain the residuals lagoon site, disposal sites, and routes to the site to ensure ample room for solids loading and ease of truck turning.
2. Coordinate with landowners of disposal sites, as required.
3. Oversee the loading operation, review the forms, and maintain records.
4. Provide escorts at the Property 4 (near the airport) as required.

MATERIAL SPECIFICS

Solids from the raw water treatment process are sent to the residuals lagoon and prior test data can be provided on request.

The City currently operates one lagoon cell at a time, which allows the sludge in the non-operational lagoon to be mostly dry with minimal free liquids present when it is time to dispose of the solids and switch to the other cell.

DISPOSAL LOCATIONS

1. Property 1 includes approximately 17 acres of generally flat grassland. The City uses a portion of the property for disposal of tree limbs/brush. Property 1 and structures, water wells, and water features located within ½ mile are shown on Figure 2. Though a natural drainage pathway is located to the east of Location 1, the FEMA flood map labels it as an area of minimum flood hazard. The Contractor shall not apply the solids within 100 feet of the natural drainage pathway or property lines.
2. Property 2 includes approximately 22 acres. The western portion of the property is generally flat. Rock Creek runs north/south through the middle of the property. The western portion of the property is within the floodplain and is mostly covered with trees. The Contractor shall not apply the sludge within 100 feet of the natural drainage pathway or property lines. Property 2 and structures, water wells, and water features located within ½ mile are shown on Figure 3.
3. Property 3 includes approximately 80 acres of agriculture flat land owned by the City. It is bordered by wooded areas near the River and the City's wastewater treatment plant (WWTP). Since most of the property is located within the floodway, incorporating the sludge into the soil and monitoring weather applications during the application timeframe will be especially important for this location. The property and the surrounding area is shown in Figure 4.
4. Property 4 includes multiple parcels of City-owned land near the airport for a combined total of approximately 155 acres. The properties are primarily used for agricultural purposes with some areas of grass that are regularly mowed. Solids application at the airport will have the additional requirement of a 150-foot separation between the sludge application area and the runways. The property and the surrounding area is shown in Figure 5.
5. Contractor may propose a location for use not on this list. If proposed, it is subject to KDHE review and approval.

SECTION III – GENERAL INFORMATION

The following restrictions apply to the disposal of the WTP residuals sludge:

5. Application site restrictions:
 - a. 100-foot separation from streams, drainages, and property lines
 - b. 200-foot separation from houses
6. Application Procedures:
 - a. Minimize stockpiling of sludge
 - b. Maximum application rate – 20 dry tons per acre
7. Disturbed area should be stabilized as soon as practical
8. Consider local weather conditions and forecasts to avoid wet weather conditions

SECTION IV – SCHEDULE OF EVENTS

SEQUENCE OF EVENTS

ACTION	DATE
Issue of Bid	12/23/2022
Pre-Bid Conference	1/5/2023, 1pm
Bid Opening	1/12/2023, 2pm
Commission Meeting	1/26/2023
Notice of Award	1/30/2023

EXPLANATION OF EVENTS

1. ISSUE OF BID

This Request for Proposal (RFP) is issued by the City. The City is the only organization who is authorized to make copies and/or distribute this RFP in any format. A distribution list of those who receive this RFP will be maintained by the City for issuance of any addenda required to the RFP.

2. Pre-Bid Conference

A non-mandatory pre-bid meeting will be held 1pm, January 5, 2023 at the Independence Water Treatment Plant, 520 E Oak.

3. Bid Opening

All bids must be received for review and evaluation no later than 2pm on January 12, 2023 at Temporary City Hall, 811 W Laurel Street. It is the responsibility of the Bidder to ensure that bids are received at the address listed above prior to the deadline. Bids received after this deadline will not be accepted. Bids must be sealed and labeled on the outside of the package to clearly indicate response to WTP SOLIDS HAULING SERVICES.

A bid tabulation will be kept and made available to the public upon request.

4. Bid Evaluation and Approval

The selection committee will evaluate the bids. The selection committee will recommend approval of the selected bidder to the City Council. This recommendation shall be for the lowest responsible bidder taking into account the evaluation factors set forth in Section VII.

5. The City reserves the right to waive minor informalities and irregularities and is not obligated to award this bid.

SECTION V – RESPONSE FORMAT AND ORGANIZATION

Bidders shall submit only one bid.

SECTION VI – MANDATORY REQUIREMENTS

1. Bid pricing shall be a firm and fixed price for the specific contract period.
2. Bidder be required to provide a certificate of insurance prior to finalizing the project contract
3. Indemnification: Contractor agrees to indemnify and hold harmless City, its agents and employees, for any damages to persons or property arising from acts or omissions of Contractor, or its agents or employees, in performance of this agreement.
4. Contractor Requirements: Contractor shall be responsible for, and provide the City proof of, the following upon request:
 - a. Current Occupational License issued by the City, if required.
 - b. A minimum of \$500,000.00 general liability insurance.
 - c. All statutorily required workers compensation coverage.
 - d. A minimum of \$500,000.00 in automobile liability insurance.
5. Contractor will be required to maintain all insurance coverages for the term of the contract and in the event insurance is expired, cancelled or changed carriers it is the responsibility of the Contractor to provide the City with an updated certificate of insurance.
6. If disposed of on City property, the Contractor shall strip the topsoil off a portion of the property and fill in with the solids, applying a layer of cover on top of the solids. A silt fence, berm, or vegetative buffer shall be installed at the application site to prevent runoff of the soil and the soil will be stabilized by seeding and compaction.
7. No solids shall be allowed to drip or fall out of the trucks onto the roadways between the WTP and disposal sites.
8. The Contractor shall remove the solids from the lagoon cell using a dozer with a tube placed along the bucket blade to push the solids toward the edge of the drained lagoon cell. The tube prevents the dozer from causing damage to the lagoon liner.
9. Contractor shall not damage the lagoon liner. The Contractor shall repair the liner per the direction of the Engineer at no additional cost to the City if the Contractor damages the liner.
10. Contractor shall notify the City of any liner areas requiring repair if a damaged area is identified.

SECTION VII –EVALUATION CRITERIA

Item No.	Description	Maximum Score
1.	Proposed Pricing	60
2.	Capability of Bidders to accomplish the scope of work required in the RFQ	30
3.	Submittal Completeness	10

SECTION VIII – PRICING

Bid Pricing shall be inclusive of all costs including equipment, operator time, fuel, etc. Bid pricing is based on actual time and materials to complete the scope of work. Bid items below shall be not-to-exceed costs based on the estimated time and materials required to haul 3,400 cubic yards.

Description	Time and Materials Not-to-Exceed Amount
Solids Removal, Hauling and Disposal	

Provide a description of experience, time and materials rates for equipment and personnel for the project and attach them to this bid.

Bidder Information:

Name _____

Address _____

City _____ St. _____ Zip _____

Phone _____

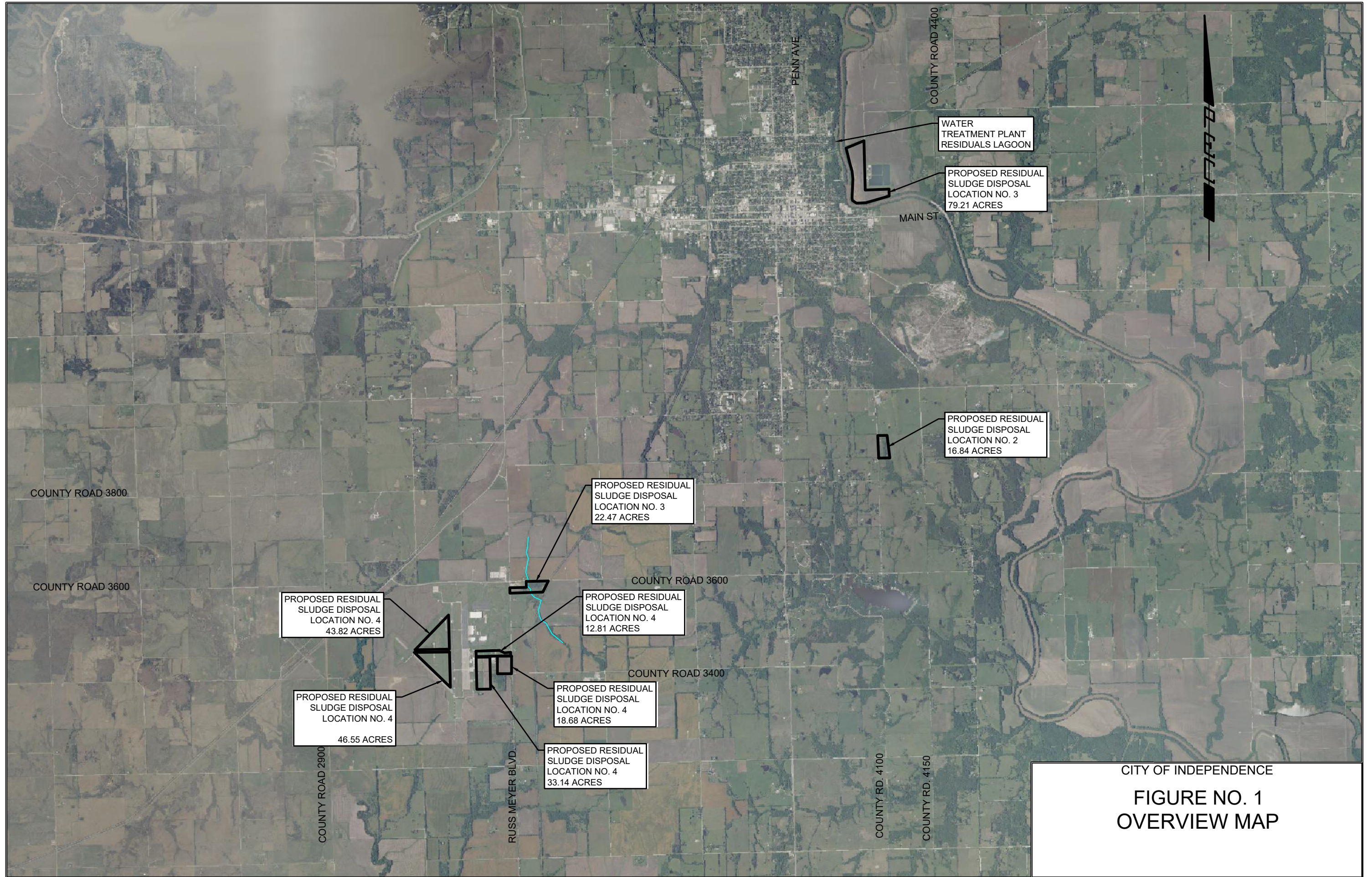
E- Mail Address _____

Authorized Officer _____

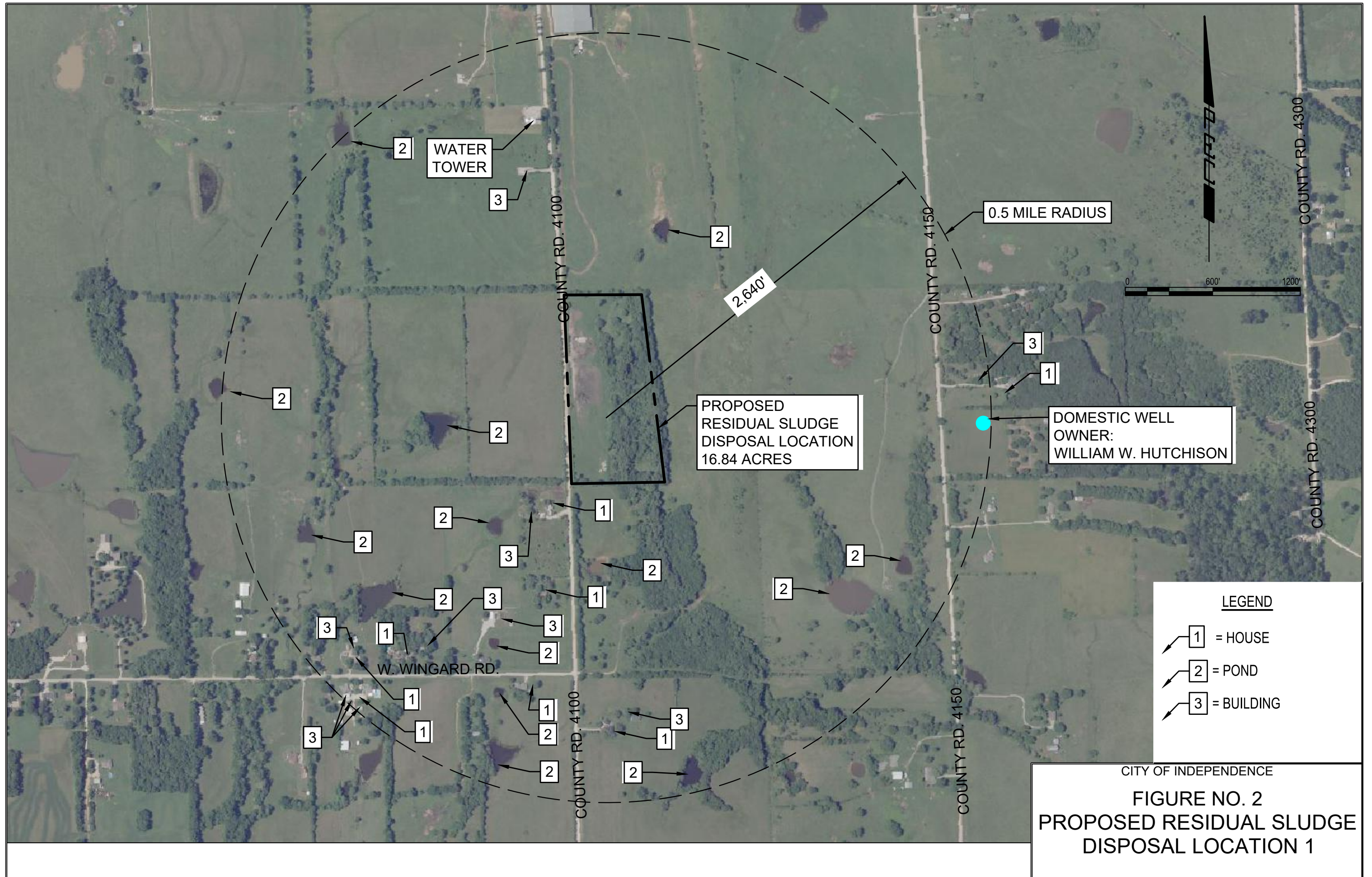
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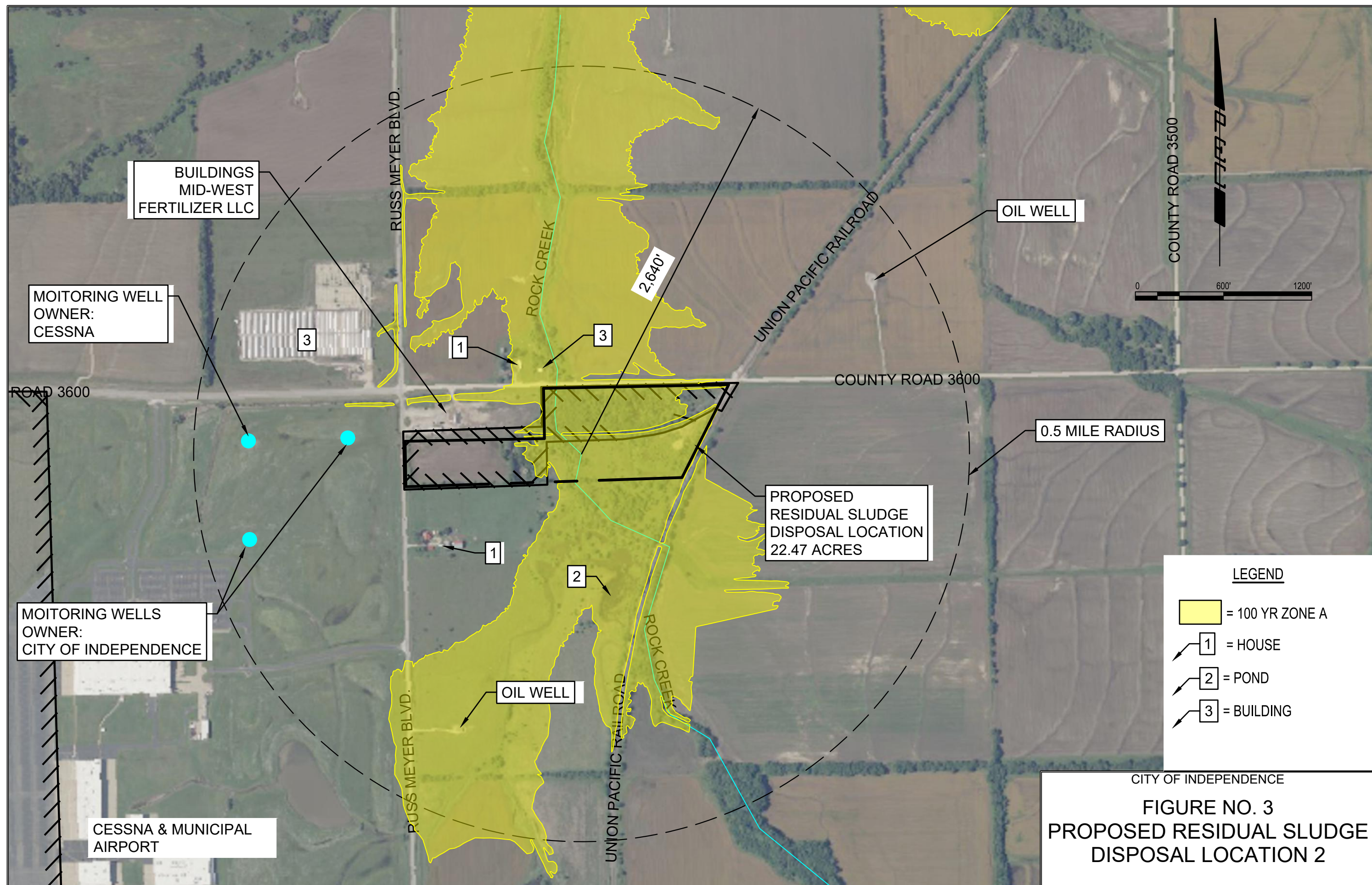
Date _____

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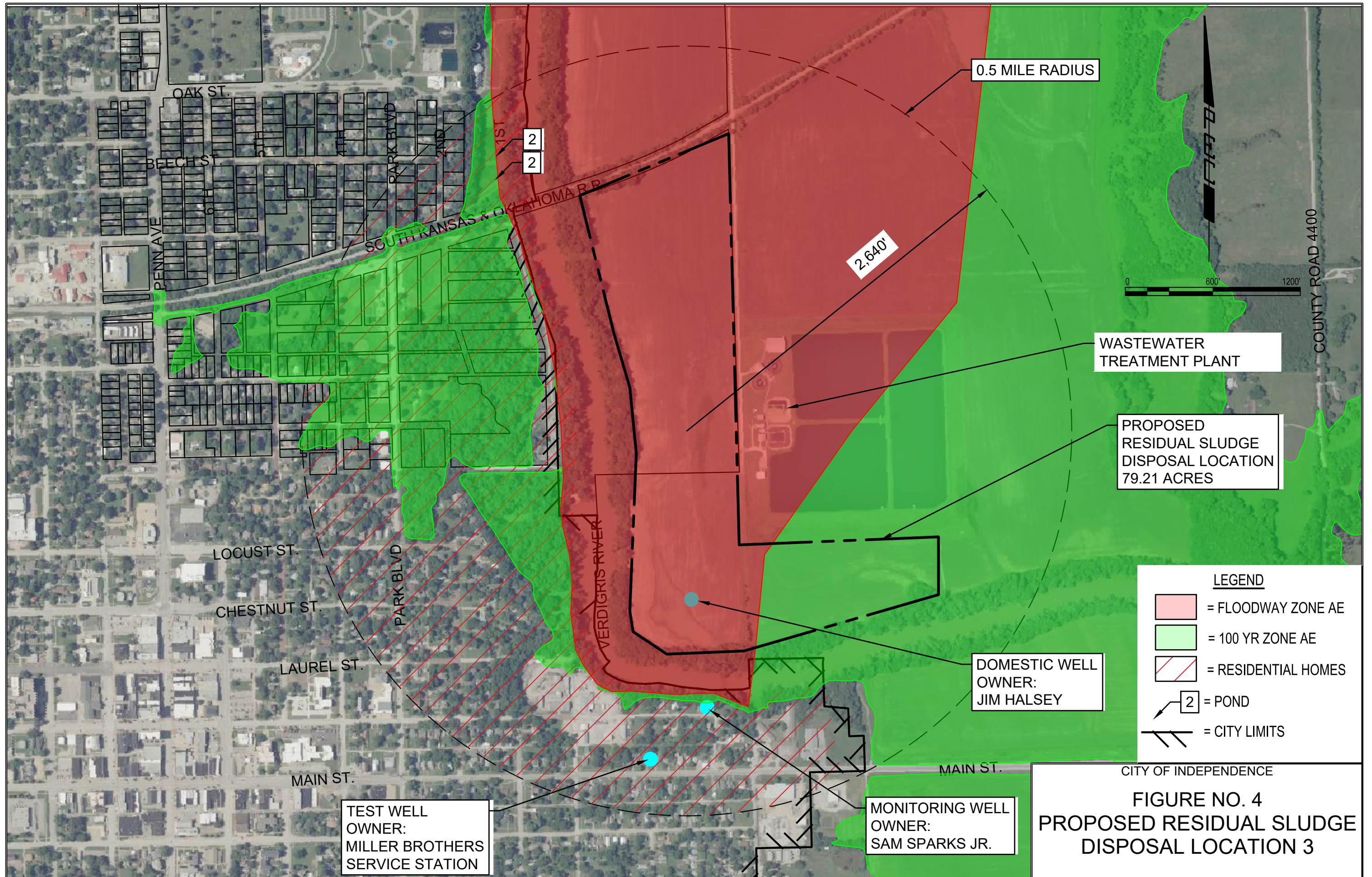


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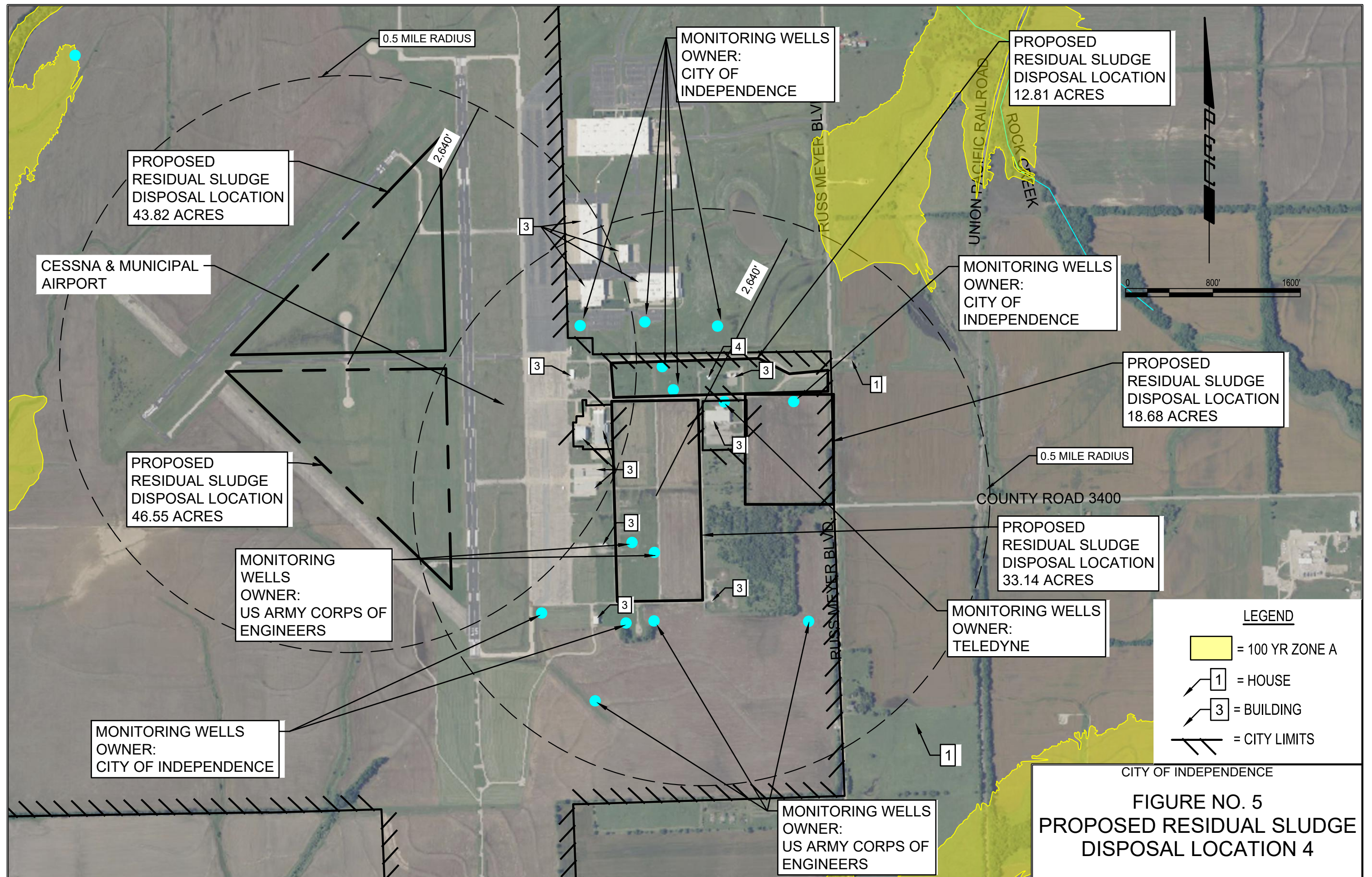




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**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Water Sewer

Director Approval John Garris

AGENDA ITEM Consider chemical bids for the Water Treatment Plant.

SUMMARY RECOMMENDATION Approve bids.

BACKGROUND The City received chemical bids on December 1, 2022 for the WTP.

FINANCIAL INFORMATION Chemicals are included in the approved operating budget. Bids received were 20% - 90% higher than last year. The biggest increase (90%) is carbon, which will increase by approximately \$6,000 more this year.

SUGGESTED MOTION I move to approve the low bid for chemicals for the WTP for use in 2023.

SUPPORTING DOCUMENTS

1. CHEMICAL BID TAB 2023

2023 CHEMICAL BIDS - WATER TREATMENT PLANT

CHEMICAL	WEIGHT	Pencco	HAWKINS	SHANNON	UNIVAR SOLUTIONS
LIQUID CHLORINE	PER POUND	NO BID	1.20	NO BID	NO BID
POTASSIUM PERMANGANATE	PER POUND	NO BID	4.90	3.42	2.91
POWDERED ACTIVATED CARBON	PER POUND	NO BID	2.15	NO BID	NO BID
LIQUID AMMONIUM SULFATE	PER POUND	NO BID	0.350	NO BID	NO BID



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Water Sewer

Director Approval John Garris

AGENDA ITEM Consider awarding the bid for a new sewer pump.

SUMMARY RECOMMENDATION Approve award.

BACKGROUND As part of the effort to increase reliability of City infrastructure, the Southeast Lift Station has been reviewed. After the bids on the revisions to Southeast were found to be uneconomical, a secondary plan was created. A pump has been in use for some time that will fill the need for emergency service, plus allow the Southeast Lift Station to be properly maintained.

After review of the quotes and options received, the recommendation is to purchase the pumper offered by Alliance Pump for \$93,491.50. This pump represents the exact model in use for over a year and a half by the Water and Sewer Department to keep the sanitary sewer system operational.

There is one pump that was offered that was less expensive, but it did not meet the minimum bid requirements for self-priming and also for an oil-cooled seal. Self-priming is required for reliable operation, and the oil-cooled seal is required to prevent damage in the nearly certain condition where the line becomes clogged and the pump “runs dry”. Because of these deficiencies, it is recommended to purchase the Alliance Pump.

FINANCIAL INFORMATION Funding for the pump purchase will come from budgeted funds for the Southeast Lift Station improvement project.

SUGGESTED MOTION I move to approve purchase of the new sanitary sewer pump from Alliance Pump & Mechanical Service, Inc. for \$93,491.50.

SUPPORTING DOCUMENTS

1. Mobile Pump Bid Tabulation
2. Alliance Pump & Mechanical Service #1
3. Alliance Pump & Mechanical Service #2
4. Technology International

Bid Tabulation

Alliance Pump & Mechanical Service	\$ 93,491.50
Alliance Pump & Mechanical Service	112,015.00
Technology International	84,000.00
Technology International	110,000.00



Alliance Pump & Mechanical Service, Inc.
Independence, MO 64050
Tel. 816-833-8109 Fax 816-833-8035

Estimate

Date	Estimate #
11/28/2022	11/29/22-1

To: Independence, Kansas
811 W Lural Street
Independence, KS 67301

Phone
Fax
Cell

Item	Description	Amount
Matls-New	Alliance Pump & Mechanical Service is pleased to offer the following equipment. Pioneer portable pump model PP63C17L71-4045HFC06 Equipped with the following options: Pioneer 6X3 pump, 17" impeller, max flow 1090 GPM, 460 feet max head, .75 solids handling, DOT trailer, Auto start capabilities with optional float or transducer (not included), stainless impeller, stainless shaft, silicon carbide rotating and tungsten carbide stationary seals, 135 gallon fuel tank, vacuum prime system, run dry capability, John Deere 4045HFC06 engine with 142 continuous HP, instrument gauge panel with oil pressure- voltmeter- hourmeter- tachometer The Duetz engine is no longer available as specified. All other specs are the same Delivery is estimated at 14 to 36 weeks depending on order date and availability of the engine Warranty is 12 months on the engine and 24 months on the pump Payment terms are net 10 after delivery Freight and delivery are included in the price Please sign and return upon acceptance of bid Sales Tax	93,491.50T
		0.00



Plus Shipping and Tax

Total

\$93,491.50



Take on drainage, sludge and slurry
with WEDA submersible pumps
from Atlas Copco.

[Learn More](#)



By signing below, Customer accepts Quote and agrees to make full payment within 30 days of completion of project as described above. It is based on our evaluation and does not include material price increase or additional labor and materials which may be required should unforeseen problems or adverse weather conditions arise after the work has started. The cost quoted is good for thirty days. (Clerical errors are subject to correction) The title to the merchandise and personal property covered by this invoice shall remain vested in Alliance Pump & Mechanical Service, Inc. until the purchase price is paid in full. If quote is accepted please indicate so on the line below. Please mail or fax response to the address or fax number listed above.

JOB AUTHORIZED BY _____

PO # _____

Estimated By ECJ

1. NEW PIONEER PUMP MODEL
PP63C17L2-TC914L06OR EQUIVALENT
2. ESTIMATED DELIVERY DATE

\$ 93,491.50 delivered

14 to 36 weeks
depending on availability when ordered

Bidder Information:

Name Alliance Pump & Mechanical Service

Address 627 S. Cottage Ave. Suite 205

City Independence St. MO Zip 64050

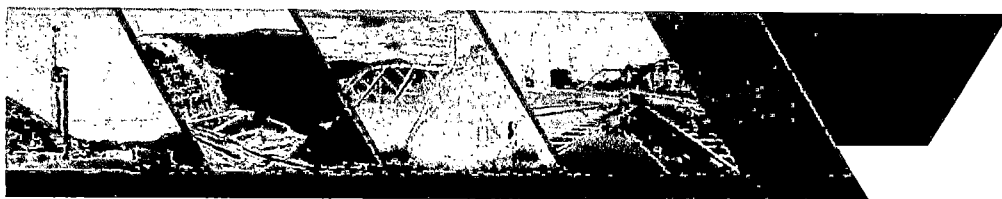
Phone 816-833-8109

E-Mail Address cjohnson@alliancepump.com

Authorized Officer Charlie Johnson

Title Salesman

Date 10/28/22



Pioneer Prime Diesel-Driven Centrifugal Pump Trailer Package

PP63C17L71-4045HFC06

63C17-PPI-01-J

PUMP SPECIFICATIONS

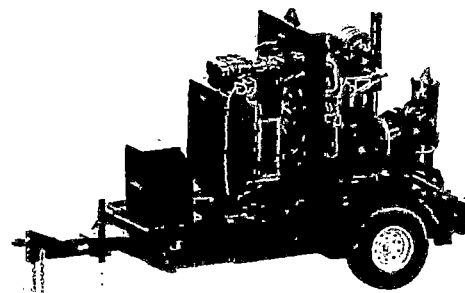
Size	6" x 3" (150 x 76 mm)
Impeller Diameter	17" (432 mm)
Max Flow	1,090 gpm (248 m ³ /h)
Max Head	460 feet (140 meters)
Solids Size	.75" (19 mm)
Max. Operating Temp.	200 °F (93 °C)
Max. Operating Press.	260 psi (1,800 kPa)

ENGINE SPECIFICATIONS

FT4 Engine Type	John Deere 4045HFC06
Displacement	275 cu. in. (4.5 L)
Fuel Consumption	7.03 gph (26.6 L/h) @ 1,800 rpm
Continuous HP	142 HP (106 kW) @ 1,800 rpm
Peak Intermittent HP Rating	173 HP (129 kW)
FT4 Specifics (Def or No Def, DOC, SCR, etc.)	DOC
Instrument Panel	Oil pressure gauge, voltmeter, hourmeter, tachometer

PIONEER PRIME PRIMING SYSTEM

Priming System	Mechanically driven diaphragm-style vacuum pump
Air Removal Cap.	50 cfm (.02 cms)
Priming Chamber	Positive sealing air separation w/stainless steel components
Discharge Check Valve	Swing style; ductile iron w/nitrile disc
Run Dry System	Oil-lubricated mech. seal allows pump to run completely dry without damage



FEATURES AND BENEFITS

- Indefinite run-dry capability
- Extreme flow technology
- Environmentally safe priming system: Pioneer Prime
- Auto-start controls

PARTS KITS

Mechanical Seal Kit: 372000104
Bearing Frame Kit: 37300108
Priming Chamber Assembly: 1060015894

Upper Vacuum Kit: 374000102
Lower Vacuum Kit: 374000103

PACKAGE SPECIFICATIONS

Fuel Capacity	135 gal (511 L)
Control Panel	LOFA CP900
Operating Speed (Min. / Max.)	1,200 / 2,100 rpm
Weight (Dry/Wet)	5,690 lbs / 6,649 lbs
Instrument Compatibility	High/low level floats, transducers
Trailer Brakes	Electric
Optional Adders	3-watt solar charger, 10-watt solar charger, corner jacks, float switch, hose racks, pressure gauges

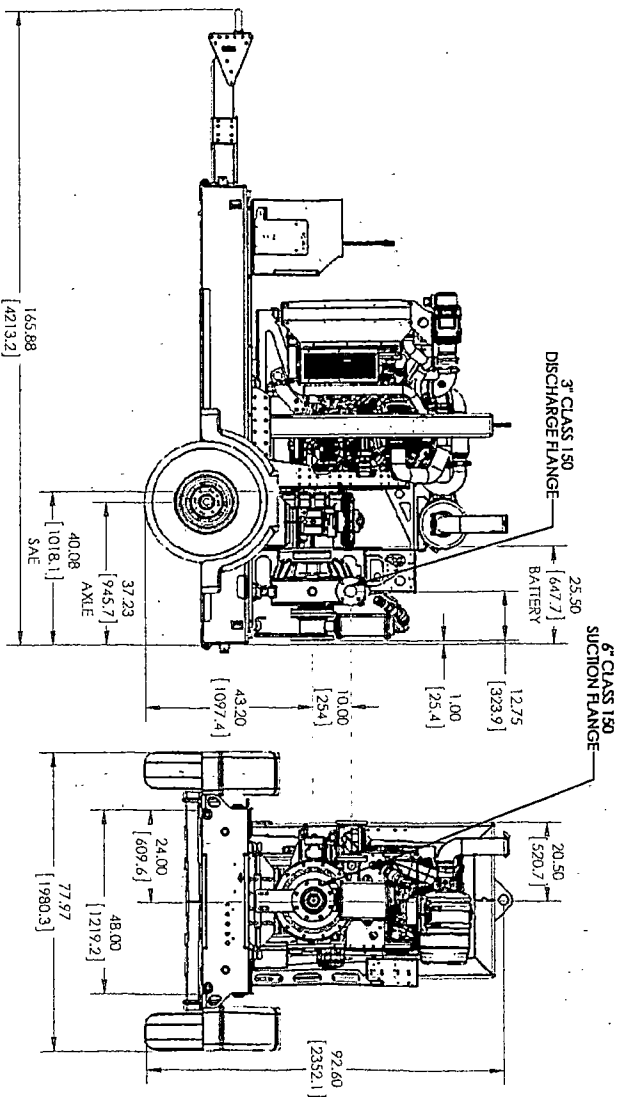
MATERIALS OF CONSTRUCTION

Impeller	CA6NM Stainless Steel
Shaft	17-4 PH Stainless Steel
Wear Ring	ASTM A48 Class 40 Gray Iron
Suction Cover	Ductile Iron ASTM A536 65-45-12
Volute	Ductile Iron ASTM A536 65-45-12
Brac-Plate/Bracket	Ductile Iron ASTM A536 65-45-12
Mechanical Seal	Silicon Carbide rotating and Tungsten Carbide stationary

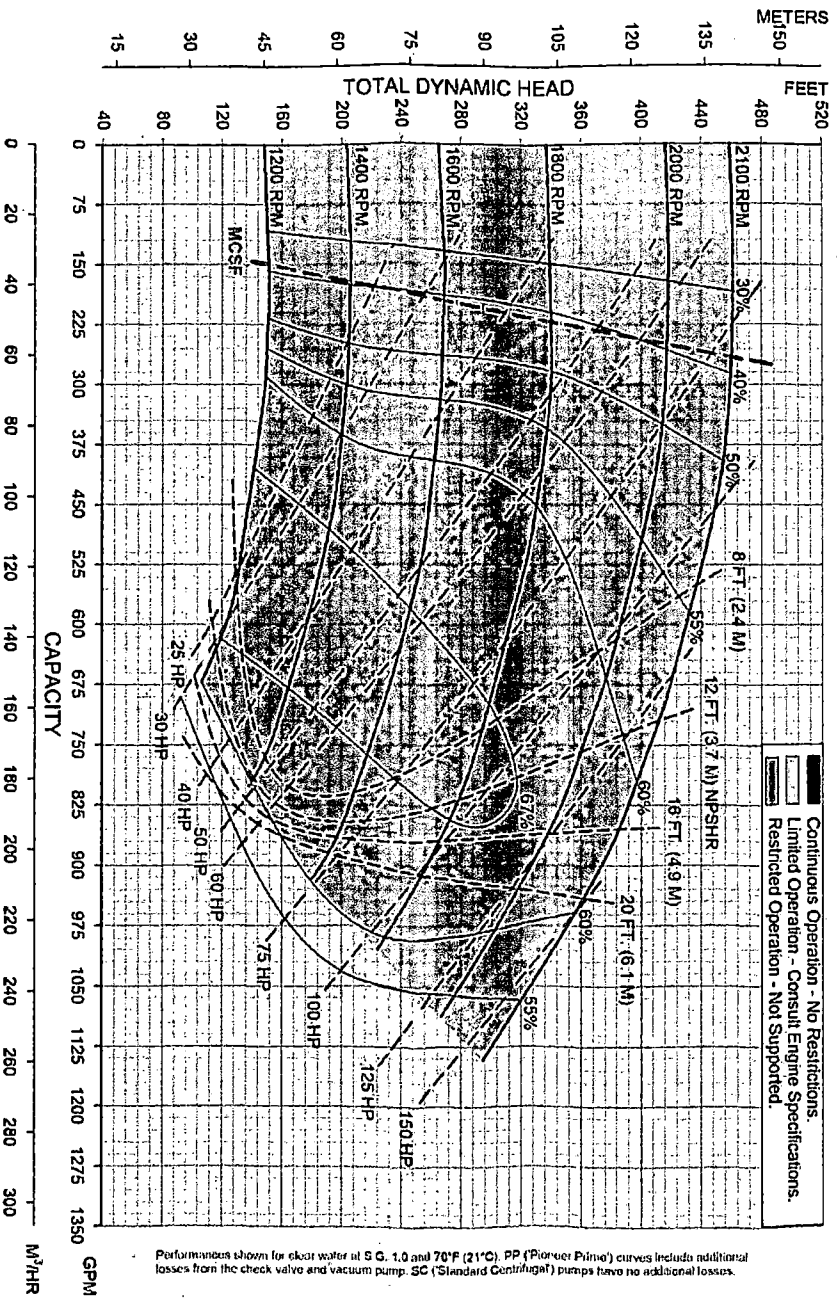


Franklin Electric

MECHANICAL DIMENSIONS



PERFORMANCE CURVE





THIS DOCUMENT CONTAINS PIONEER PUMP, LLC AND ALL OF ITS SUBSIDIARIES' (COLLECTIVELY REFERRED TO AS "PIONEER") STANDARD LIMITED WARRANTY, GENERAL SALES POLICIES AND CONTROLLING TERMS AND CONDITIONS. THIS STANDARD LIMITED WARRANTY, GENERAL SALES POLICIES AND CONTROLLING TERMS AND CONDITIONS SHALL NOT BE ALTERED OR AMENDED EXCEPT PURSUANT TO AN AUTHORIZED PIONEER EXTENDED WARRANTY.

PIONEER Standard Terms & Conditions are subject to change at any time. The latest version is available at pioneerpump.com

A. EFFECTIVE DATE AND NO AGREEMENT OR AMENDMENTS

This document and its provisions are effective as of 10/11/2022 and valid until updated by PIONEER. This document and its provisions shall supersede any and all pre-existing sales policies, terms and conditions, and standard limited warranties issued by PIONEER, whether in writing or orally. This document does not reflect an offer or an agreement to sell PIONEER products to any person or entity and should not be construed as such.

B. GENERAL SALES POLICIES AND CONTROLLING TERMS AND CONDITIONS

PIONEER OBJECTS TO, AND SHALL NOT BE BOUND BY, ANY ADDITIONAL OR DIFFERENT TERMS OR CONDITIONS, WHETHER PRINTED OR OTHERWISE AND REGARDLESS OF WHETHER SUCH ADDITIONAL TERMS OR CONDITIONS ARE IN PURCHASER'S PURCHASE ORDER OR IN ANY OTHER COMMUNICATION FROM PURCHASER TO PIONEER. The terms and conditions appearing in this agreement together with PIONEER's standard or custom product specifications (if applicable), constitute the entire agreement between PIONEER and Purchaser. Prior courses of dealing, trade usage and verbal agreements not reduced to a writing signed by PIONEER to the extent they differ from, modify, add to or detract from this agreement shall not be binding upon PIONEER. There are no other agreements, promises or understandings, either verbal or written, which are not fully expressed in this agreement. No statements, recommendations or assistance by either party have been relied upon by either party or shall constitute a waiver by either party of any of the provisions hereof. This agreement may be amended or altered only if agreed to in writing, signed by the party against which any such amendment or alteration is asserted.

a. Acceptance and Payment

PIONEER reserves the right to reject and refuse to process a purchase order for any reason whatsoever. If a Purchase Order (PO) or a line item contained in a PO is cancelled by the Purchaser after PO acceptance by PIONEER, PIONEER reserves the right to apply cancellation charges of up to fifty percent (50%) of the PO price of the cancelled item(s).

The due date of payment shall be measured from the invoice date. Terms are net thirty (30) days from date of invoice of each shipment, unless otherwise stated. Any portion of the purchase price which is not paid in accordance with applicable payment terms shall accrue interest at a rate equal to one and one-half percent (1 ½%) per month or the highest rate allowed by law, plus any attorney fees and other costs associated with collections. PIONEER shall apply payments received against outstanding invoices and/or interest charges at its discretion.

b. Prices and Taxes

All prices and discounts are subject to change by PIONEER, with or without prior notice. Prices and discounts applicable to unshipped quantities of existing purchase orders, as well as to new purchase orders, shall be those in effect at the time of shipment.

A representation by Purchaser of facts, upon which PIONEER relies in basing applicable discount or term of sale, shall be taken as a representation that such facts are true; and PIONEER shall have the right to revise any price or discount, including products already shipped, invoiced, or paid, should such representations be untrue.

All prices are net of, and do not include, any federal, state, or local income, property, sales, use, excise, value-added, or other taxes, all of which shall be the responsibility of, and paid by, Purchaser.

c. Quotations

No price quotations for PIONEER products shall be binding on PIONEER unless confirmed in writing by PIONEER. Prices so quoted will be binding on PIONEER for ninety (90) days from the date of the price quotation unless noted in the quotation by PIONEER. Price quotations do not include accessories or components not supplied by PIONEER. Clerical errors on any price quotations are subject to correction by PIONEER. Quotations are subject to change by PIONEER with notice to Purchaser.

d. Delivery

Shipments may be made by common carrier, unless otherwise specified. Special arrangements, such as air freight, parcel shipment, overnight delivery and special packaging requirements must be specifically requested by Purchaser and, unless agreed to in writing by PIONEER, will be at Purchaser's expense.

Any dates or schedules specified for the delivery of goods covered hereby are approximate only and are based upon then existing conditions and/or conditions reasonably anticipated through each shipping date. In addition to the limitation on damages described herein, PIONEER shall not, under any circumstances be liable for any loss, cost, expense, delay, damage, inconvenience, or consequential damages for failure (however caused) to meet a specific shipping date, or for any delay, loss, or damage in transit, or due to the unavailability of sufficient products to fill a purchase order. PIONEER reserves the right to allocate available inventories among its customers, including Purchaser, in the event that such inventories are inadequate to meet demand.

Pioneer will deliver product in accordance with the terms and requirements of Incoterms 2010 FCA shipping point unless alternative terms are agreed to in writing. Title to the product shipped shall pass to Purchaser when PIONEER delivers such goods (i) to the carrier for delivery to Purchaser or (ii) to the dock for export shipments to Purchaser, and all risks of damage, loss, or delay shall thereupon pass to Purchaser. PIONEER shall promptly, after shipment, notify Purchaser that the goods have been delivered to the carrier or to the dock and shall furnish Purchaser with all documents, if any that are required to enable Purchaser to obtain possession of the product.

C. STANDARD LIMITED WARRANTY

LIMITED WARRANTY: Except as set forth in an Extended Warranty, Pioneer warrants to the purchaser of Pioneer's manufactured products that, for the applicable warranty period identified on the Warranty Schedule attached hereto as Exhibit A and incorporated herein by reference, the products purchased will (i) be free from defects in workmanship and material at the time of shipment, (ii) conform to the specifications published or unless agreed to in writing between the purchaser and Pioneer. This limited warranty extends only to products purchased directly from Pioneer.

If a failure to conform to purchaser's specifications or a defect in materials or workmanship is discovered during the warranty period, Pioneer must be notified in writing within thirty (30) days of such discovery.

- a.** THIS LIMITED WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, WRITTEN OR ORAL, STATUTORY, EXPRESS, OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. PURCHASER'S SOLE AND EXCLUSIVE REMEDY FOR PIONEER'S BREACH OF ITS OBLIGATIONS HEREUNDER, INCLUDING BREACH OF ANY EXPRESS OR IMPLIED WARRANTY OR OTHERWISE, UNLESS PROVIDED ON THE FACE HEREOF OR IN A WRITTEN INSTRUMENT MADE PART OF THIS LIMITED WARRANTY, SHALL BE FOR THE PURCHASE PRICE PAID TO PIONEER FOR THE NONCONFORMING OR DEFECTIVE PRODUCT OR FOR THE REPAIR OR REPLACEMENT OF NONCONFORMING OR DEFECTIVE PRODUCT, AT PIONEER'S ELECTION. ANY PIONEER PRODUCT WHICH PIONEER DETERMINES TO BE DEFECTIVE WITHIN THE WARRANTY PERIOD SHALL BE, AT PIONEER'S SOLE OPTION, REPAIRED, REPLACED, OR A REFUND OF THE PURCHASE PRICE PAID. Some states do not allow limitations on how long an implied warranty lasts, therefore, the limitations and exclusions relating to the products may not apply.
- b.** WITHOUT LIMITING THE GENERALITY OF THE EXCLUSIONS OF THIS LIMITED WARRANTY, PIONEER SHALL NOT BE LIABLE TO THE PURCHASER OR ANY THIRD PARTY FOR ANY AND ALL (i) INCIDENTAL EXPENSES OR OTHER CHARGES, COSTS, EXPENSES (INCLUDING COSTS OF INSPECTION, TESTING, STORAGE, OR TRANSPORTATION) OR (ii) DAMAGES, INCLUDING CONSEQUENTIAL, SPECIAL DAMAGES, PUNITIVE OR INDIRECT DAMAGES, INCLUDING, WITHOUT LIMITATION, LOST PROFITS, LOST TIME AND LOST BUSINESS OPPORTUNITIES, REGARDLESS OF WHETHER PIONEER IS OR IS SHOWN TO BE AT FAULT, AND REGARDLESS OF WHETHER THERE IS OR THERE IS SHOWN TO HAVE BEEN A DEFECT IN MATERIALS OR WORKMANSHIP, NEGLIGENCE IN MANUFACTURE OR DESIGN, OR A FAILURE TO WARN.
- c.** Pioneer's liability arising out of the sale or delivery of its products, or their use, whether based upon warranty contract, negligence, or otherwise, shall not in any case exceed the cost of repair or replacement of the product and, upon expiration of any applicable warranty period, any and all such liability shall terminate.
- d.** Without limiting the generality of the exclusions of this limited warranty, PIONEER does not warrant the adequacy of any specifications provided directly or indirectly by a purchaser or that PIONEER's products will perform in accordance with such specifications. This limited warranty does not apply to any products that have been subject to misuse (including use in a manner inconsistent with the design of the product), abuse, neglect, accident or improper installation or maintenance, or to products that have been altered or repaired by any person or entity other than Pioneer or its authorized representatives.

- e. This limited warranty does not cover parts that by nature of their function require replacement as the result of normal wear and tear, including but not limited to, seals, wear rings, wear plates, or other parts subjected to abrasion, cavitation, or corrosion, unless a defect in materials or workmanship can be determined by Pioneer.
- g. With respect to all products manufactured by Pioneer, the following conditions automatically void this limited warranty:
 - 1. Corrosion due to aggressive pumping conditions.
 - 2. Improper voltage supply.
 - 3. Physical damage that is the result of misuse, mishandling, or freight or shipping damage.
 - 2. Damage caused by disasters such as fire, flood, wind, or lightning.
 - 3. Damage caused by unauthorized modifications or attachments.
 - 4. Corrosive or abrasive wear outside the normal use of the product.
 - 5. Lightning damage (often referred to as high voltage surge damage).
 - 6. Electrical failures due to the use of non-approved overload protection.
 - 7. Unauthorized disassembly.
 - 8. Improper flange loading.
 - 9. Cavitation.

Prior authorization must be received from Pioneer prior to any service work on any product by third parties. Failure to obtain prior authorization shall void this warranty.

Third Party Field Service. No statements regarding warranty coverage made by any third party shall be binding on Pioneer.

D. MISCELLANEOUS

a. Compliance with Laws, Ordinances and Regulations

PIONEER shall use reasonable efforts to cause the products to comply with federal safety, health and environmental regulations and insurance codes. However, PIONEER shall not be responsible for compliance of the products with local interpretations of such federal regulations or insurance codes, nor with any local laws, ordinances, codes and/or regulations which may at any time be in effect at any location where the products are to be used, unless such responsibility shall be expressly assumed by PIONEER in writing.

b. Change of Design

PIONEER shall be entitled to make any and all changes in details of design, construction or arrangement of the product as PIONEER in its sole discretion determines will constitute an improvement upon the product or any specifications or designs previously furnished to the Purchaser.

c. PIONEER Remedies

In addition to and notwithstanding any other remedy to which PIONEER may be entitled by law, in the event of Purchaser's breach of its obligations hereunder, or if Purchaser should cancel a purchase order, in whole or in part, or refuse to accept the products shipped hereunder, or wrongfully rejects or revokes its acceptance of products shipped that conform to a purchase order, Purchaser shall pay for, and PIONEER shall be entitled to recover from Purchaser, all special engineering, design, tooling, manufacturing, storage, or transportation costs incurred in connection with PIONEER's performance of the purchase order.

d. Infringement

With respect to PIONEER's own standard designs and specifications, or specialty products which PIONEER has engineered and designed, PIONEER shall defend, indemnify and hold Purchaser harmless from and against any loss, damage, cost or expense arising out of any third-party claims for patent or trademark infringement relating to such products, so long as Purchaser promptly notifies PIONEER in writing of any such claim and gives PIONEER such authority, information and assistance as PIONEER may request in connection with the defense thereof.

Purchaser shall defend, indemnify and hold PIONEER harmless from and against any loss, damage, costs or expenses arising out of any claims of patent or trademark infringement relating to products manufactured by PIONEER in accordance with any designs or specifications furnished by Purchaser.



TERMS AND CONDITIONS

pioneerpump.com

e. Special Tooling

Any special tools, dies, jigs, molds, or other equipment manufactured or purchased by PIONEER, regardless of whether included as part of PIONEER's pricing, shall remain PIONEER's exclusive property.

f. Confidentiality

All commercial, financial or technical information furnished by PIONEER shall be considered confidential and Purchaser shall not disclose any such information to any other person or use such information itself for any purpose other than the re-sale or the intended use of the products. This Section shall apply to drawings, specifications or other documents prepared by us. Unless otherwise agreed in writing, no information disclosed in any manner or at any time by Purchaser to PIONEER shall be deemed secret or confidential, and Purchaser shall have no rights against PIONEER with respect thereto, except such rights as may exist under applicable patent laws.

g. Independent Contractors

PIONEER and Purchaser are independent contractors and neither has the authority to assume or to create any obligation on behalf of or in the name of the other.

h. Set Off

PIONEER shall be entitled to set off any amount or apply any sum due from Purchaser to PIONEER or any other affiliated company of PIONEER.

i. Force Majeure

PIONEER shall not be responsible or liable for any delays or failures in manufacture or delivery due to any cause or condition beyond the reasonable control of PIONEER. PIONEER shall not be responsible or liable for any delays or failures to deliver or to perform its contractual responsibilities if due to causes beyond its reasonable control or the reasonable control of its suppliers, or due to acts of God, acts of civil or military authority, judicial action, fires, strikes, floods, wars, transportation delays, or inability due to causes beyond its reasonable control to obtain necessary labor, materials or manufacturing facilities. In the event of such a condition or circumstance, PIONEER shall have the right, at its option, to cancel any purchase orders or any part thereof without any resulting liability.

j. Applicable Law

The terms and conditions expressed herein shall be construed and its performance governed by the internal laws (as opposed to conflicts of law provisions) of the State of Texas.

k. Headings

All headings or captions used herein are for convenience of reference only and shall not limit or define these terms and conditions.

l. Interpretation

Whenever the term "include" or "including" is used in this document or any document referenced in this document, it shall mean "including, without limitation," (whether or not such language is specifically set forth) and shall not be deemed to limit the range of possibilities to those items specifically enumerated. The words "hereof", "herein" and "hereunder" and words of similar import refer to this document and any document referenced in this document as a whole and not to any particular provision. Terms defined in the singular have a comparable meaning when used in the plural and vice versa.

Exhibit A

	Product	Warranty Period
Pumps	Solids Handling	24 Months
	Clear Liquids	24 Months
	Vortex Series	24 Months
	HWR Series	24 Months
	GT Series	60 Months
	GS Series	12 Months
	P B Series	12 Months
	PE B Series	12 Months
Packages	Engine Driven	12 Months
	Electric Motor Driven	24 Months
Other	Other	24 Months
	Parts	12 Months



Charlie Johnson
Sales and Service

johnson@alliancepump.com
www.alliancepump.com
Cell Phone: 816-489-0935

Office: 816-833-8109
627 S. Cottage Ave. Suite 201
Independence, MO 64050



Alliance Pump & Mechanical Service, Inc.
Independence, MO 64050
Tel. 816-833-8109 Fax 816-833-8035

Estimate

Date	Estimate #
11/28/2022	11/29/22-2

To: Independence, Kansas
811 W Loral Street
Independence, KS 67301

Phone
Fax
Cell

Item	Description	Amount
Matls-New	Alliance Pump & Mechanical Service is pleased to offer the following equipment. Atlas Copco portable pump model PAC H63C JD 173HP FT4 Equipped with the following options: PAC 6X3 pump, 17" impeller, max flow 1100 GPM, 460 feet max head, .75 solids handling, DOT trailer, Auto start capabilities with optional float or transducer (not included), stainless impeller, stainless shaft, silicon carbide rotating and silicon carbide stationary seals, 173 gallon fuel tank, vacuum prime system, run dry capability, John Deere 4045HFC06 engine with 142 continuous HP, instrument gauge panel with oil pressure- voltmeter- hourmeter- tachometer, easy maintenance of pump with hinged cover for direct access to pump impeller and volute This portable pump unit is equal to or better than the bid specification. This unit is built for commercial rental and will last for many years. Warranty is 12 months on the engine and 12 months on the pump Payment terms are net 10 after delivery Freight and delivery are included in the price Estimated delivery is 6/15/2023 Please sign and return upon acceptance of bid Sales Tax	112,015.00T
		0.00



Plus Shipping and Tax

Total

\$112,015.00



Take on drainage, sludge and slurry
with WEDA submersible pumps
from Atlas Copco.

[Learn More](#)



By signing below, Customer accepts Quote and agrees to make full payment within 30 days of completion of project as described above. It is based on our evaluation and does not include material price increase or additional labor and materials which may be required should unforeseen problems or adverse weather conditions arise after the work has started. The cost quoted is good for thirty days. (Clerical errors are subject to correction) The title to the merchandise and personal property covered by this invoice shall remain vested in Alliance Pump & Mechanical Service, Inc. until the purchase price is paid in full. If quote is accepted please indicate so on the line below. Please mail or fax response to the address or fax number listed above.

JOB AUTHORIZED BY _____

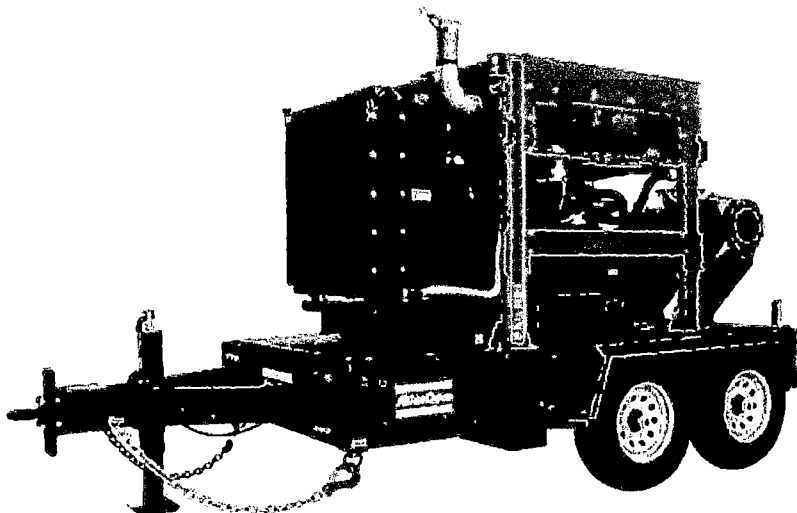
PO # _____

Estimated By ECJ

Product Reference

PAC H63C JD 173HP FT4

Diesel - Qmax 1.100 USgpm - Hmax 460 ft



Indicative picture of the product

PAC Flow series

The pump system consists of a centrifugal pump and a separator, which enables air to be separated from the liquid and be sucked by a vacuum pump - making automatic priming possible. Even with suction heights of several feet the machine rapidly evacuates the air from the suction pipe and starts to pump. The PAC range is also suitable for pumping liquids with solids in suspension with best possible efficiency.

Applications

The PAC H63C Atlas Copco pump is designed to withstand toughest applications and delivers best in class pumping efficiency. One of the most common area of utilization is the mining and Oil & Gas segment where reliability, efficiency and versatility is the key to provide a customized solution. Other suitable applications within Construction and General dewatering, Municipal as well as General Industry are ideal for the PAC H63C pump. Atlas Copco pumps are packed with features that not only meet, but exceed the needs of our customers.

Benefits

Efficiency

The 17" impeller with 69% efficiency at B.E.P. provides best pumping result with minimal efforts

Foot print

Best in class foot print for the transport of 3x PAC H63C pumps on same trailer.

Serviceability

Semi cartridge seal and bolted front wear ring for easy service

Polyethylene Fuel tank

Corrosion-free PE tank provides longer lifetime and avoids tank cleaning due to oxidation

Easy maintenance

Hinged cover for direct access to the impeller and pump volute

Product Reference

PAC H63C JD 173HP FT4

Technical data

Pump

Model	PAC H63C
Qmax	1,100 USgpm
Hmax	460 ft
Q max eff.	1,240 USgpm
Eff. max	66 %
Suction port	6" Flange - ANSI class 150
Delivery port	3" Flange - ANSI class 80
Impeller type	Enclosed, 4 vane
Impeller diameter	17"
Solids handling	0.75"

Material

Casing	ASTM A536 ductile iron
Impeller	ASTM A743 CA6NM
Wear ring	ASTM A48 Class 20 cast iron
Shaft	AISI 630 stainless steel
Mechanical Seal faces	Silicon carbide Vs Silicon carbide
Elastomers	VITON
Check Valve	ASTM A536 ductile iron + NBR rubber flap
Separator	Fabricated steel

Priming system

Vacuum pump	
Vacuum pump type	Diaphragm
Nominal air capacity	50 cfm
Max vacuum	- 26.6 inHg
Drives	Link belt

Engine

Make	John Deere
Model	4045HFC06
Type	Diesel turbo common rail
Displacement	275 in³
No. cylinders	4
Cooling	Liquid with radiator
Rpm type	Variable
Max operating speed	2100 rpm
US emissions	EPA Tier 4F
Starting	Electric
Engine system voltage	12 V
Engine power rating	173 HP

Control panel

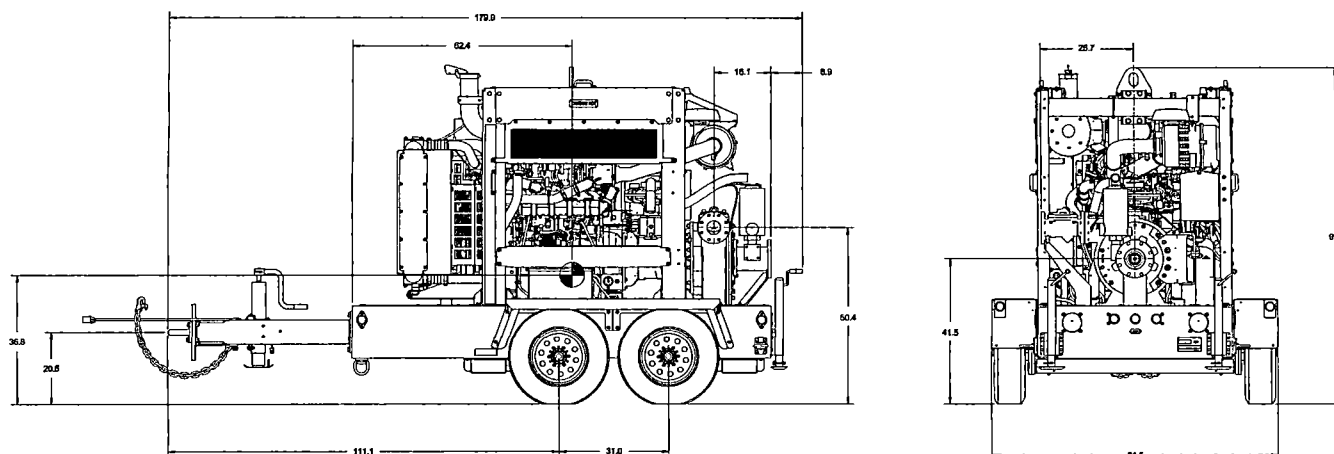
Model	PW 1000
	Manual operation
	Automatic operation: start-stop with transducers or floats
	MC4+ Telematics

Arrangement

Technical data	
Material	ASTM A36 steel
Coatings	Epoxy powder, average thickness of 3 MIL
Features	Lifting beam. Pump access through hinged door. Protected PE fuel tank, Acid charge Pb-Ca maintenance free, 12V - 1150 CCA
Battery	
Fuel tank capacity	173 USG
DEF tank capacity	46.7 USG
Fuel consumption	
Dry weight	lbs
Wet weight	lbs

Dimensional drawing

[in]



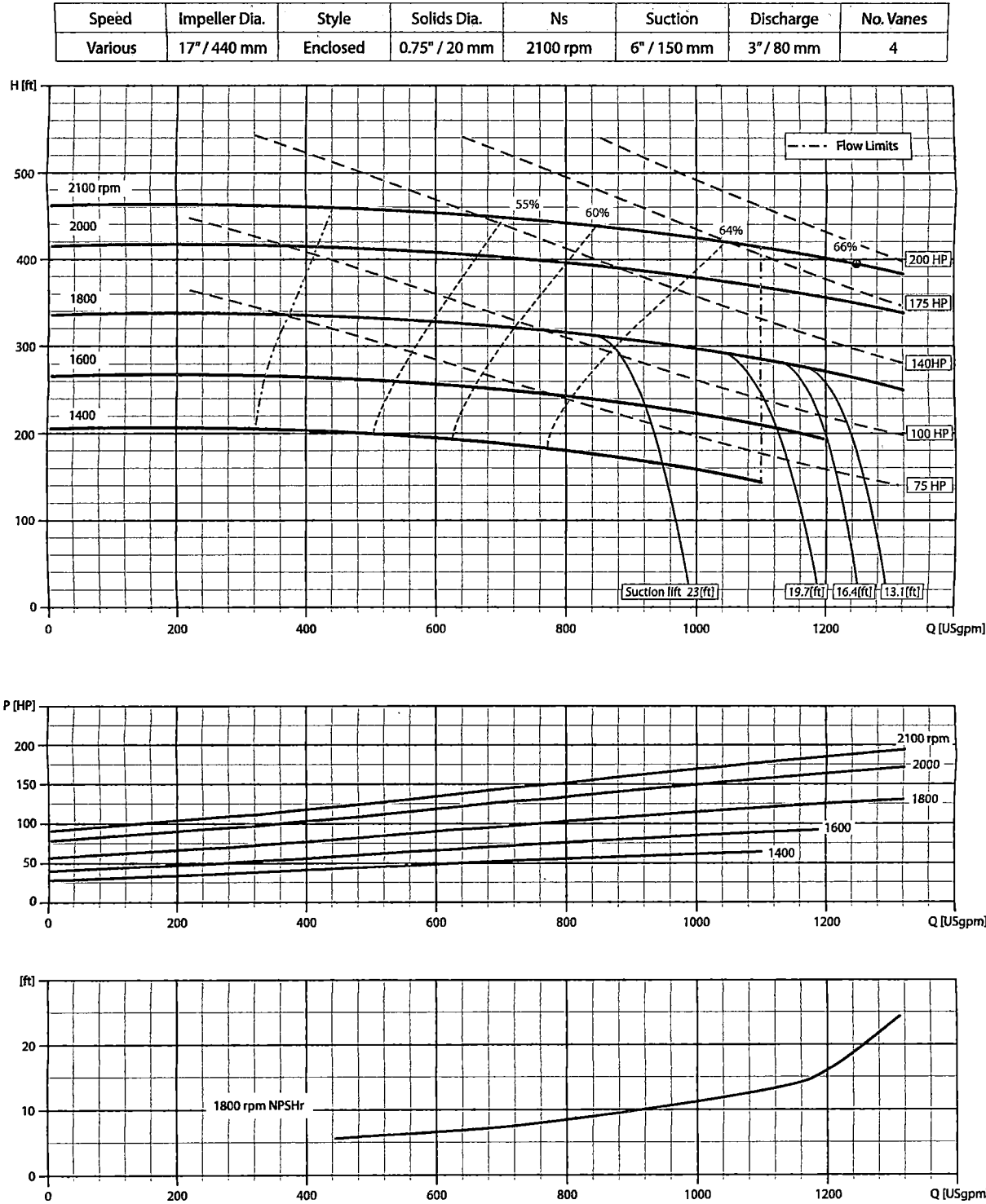
Product Reference

PAC H63C JD 173HP FT4

Performance curves

Test according to UNI EN ISO 9906 standard - level 2B
Test liquid: clean water, density 62.43 lb/ft3 (8.345 lb/gal)

Losses from priming system and check valve not included



1. NEW PIONEER PUMP MODEL
PP63C17L2-TC914L06OR EQUIVALENT
2. ESTIMATED DELIVERY DATE

\$ 112,015 delivered
6/15/2023

Bidder Information:

Name Alliance Pump & Mechanical Service

Address 627 S. Cottage Ave Suite 205

City Independence St. MO Zip 64050

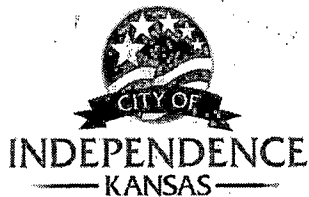
Phone 816-833-8109

E- Mail Address cjohnson@alliancepump.com

Authorized Officer Charlie Johnson

Title Salesman

Date 10/29/22



Advertisement for Bid

The City of Independence, Kansas, is accepting bids for one new mobile, diesel-driven pump meeting or exceeding the attached specifications. A bid for a used unit would be considered, but documentation would be required.

Bids must be sent to the office of the City Clerk, 811 W. Laurel Street, Independence, Ks. 67301, on or before 2:00 p.m. Thursday, December 1, 2022. Bids shall be enclosed in a sealed envelope plainly marked on the outside "New Pump". If bid is mailed, original envelope shall be enclosed in a separate envelope addressed to the City Clerk, also plainly marked on the outside as stated above. E-mail or fax bids will not be accepted. The apparent low bid will then be presented to the Independence City Commission at a 2022 regular meeting for their formal action.

The city reserves the right to accept or reject any or all bids or to waive any irregularities should any occur as may best benefit the City. The City Manager may require that no bidder may withdraw a bid for a period of up to forty-five (45) days after the date and hour set for opening bids, but that a bid may be withdrawn up to twenty-four (24) hours prior to expiration of the deadline for submitted bids.

Lacey Lies, Finance Director

11/10/2022

Date



SPECIFICATIONS

ONE NEW PIONEER PUMP MODEL PP63C17L2-TC914L06 OR EQUIVALENT. USED ALONG WITH UNIT DOCUMENTATION MAY BE PROVIDED AS AN ALTERNATE.

ENGINE

DIESEL ENGINE
(DEUTZ 148 HP)
AUTOMATIC START
INTEGRAL FUEL TANK
OIL PRESSURE, AMP
METER, TACHOMETER,
HOUR METER

PUMP

6"X3" ANSI Flanged
ASTM A744 CD4Mcu Stainless, Tangential Discharge
300PSI Operating Pressure
CF8M Stainless Wear Rings
Stainless Brac-Plate, Seal Gland, Suction Cover
Single Type Seal w/ Tungsten Carbide vs. Silicon Carbide Seal Faces, Viton Elastomers,
300 Series Stainless Steel Hardware and Spring Seal System
Enclosed Type Impeller w/ 0.75" Spherical Solids Handling Capability - Construction of
ASTM A744 CD4Mcu Stainless Steel
Bearing Housing ASTM A48 Class 30/35 Gray Iron
Pump End Bearing Single Row Ball
Drive End Bearing Double Row Angular Contact Bearings
Shaft 17-4 PH Corrosion Resistant Stainless Steel
O-Rings Viton
Lubrication Oil (Grease Optional)
Include Pump Curve
Max Flow, 900GPM at 525 Feet of Head (Include Pump Curve)

DELIVERY INCLUDED TO

WATER AND SEWER DEPARTMENT
10th Street/ W. Railroad St
INDEPENDENCE, KS 67301

PLEASE PROVIDE WARRANTY INFORMATION.

FOR ANY QUESTIONS OR FURTHER INFORMATION, PLEASE CONTACT:

JOHN GARRIS
CITY ENGINEER
ENGINEER@INDEPENDENCEKS.GOV

THE CITY OF INDEPENDENCE IS A TAX-EXEMPT MUNICIPALITY.

	Option 1	Option 2
1. NEW PIONEER PUMP MODEL PP63C17L2-TCD914L06OR EQUIVALENT	\$ 84,000.00	\$110,000.00
2. ESTIMATED DELIVERY DATE	22 weeks	28 weeks

Bidder Information:

Name Technology International, Inc.

Address 1331 South International Parkway, Suite 2251,

City Lake Mary St. Florida Zip 32746

Phone (407) 359-2373

E- Mail Address tii@tii-usa.com

Authorized Officer Rifat Habib

Title Business Development Exec.

Date 11/30/2022



Technology International, Inc.
1349 South International Pkwy, Suite 2411
Lake Mary, FL 32746
Tel: (407) 359-2373
Fax: (407) 359-2372
E-mail: tii@tii-usa.com
Website: www.tii-usa.com

Equipment Proposal

Description: One New Mobile, Diesel-Driven Pump

Attention: City of Independence, Kansas
City Clerk
811 W. Laurel Street,
Independence, KS 67301

TII Ref: TII/KS/1222/25218

Date: 11/30/2022

In response to your quote request for One New Mobile, Diesel-Driven Pump, Technology International, Inc. is pleased to submit the following two proposal options for consideration:

Option	Manufacturer/Brand
1	DRAGON
2	PATRIOT

Option no.1

ITEM NO.	QTY	DESCRIPTION/ MODEL NO.
1	1	Dragon Model # JDW/DP173 6X3 3617MX Cornell Pump Package with 173HP John Deere
See attached data sheets		
Total.....\$84,000.00		

Warranty: Manufacturer's standard warranty applies. One (1) year warranty.

Delivery:

- Estimated delivery is **22 Weeks** after receipt of order and approved submittal.
- Please note, due to COVID-19 there may be unanticipated disruptions and delays in the supply chains globally, for parts, components, equipment and internal manufacturing services such as engineering, production allocation, and logistics. This may result in manufacturing & delivery delays out of our control. We will do our best to communicate all such impacts and reduce the effects of any such delays.
- All delivery dates quoted are subject to manufacturer's confirmation at time of order.
- Submittal data will be provided for approval after receipt of order (if applicable)
- Customer to provide equipment and personnel to unload
- TII will provide MSO at time of payment confirmation. Customer is responsible for all titling and registration of trailer (If Applicable)

Freight: Included to Independence, KS 67301.

Payment Terms: NET 30

Prompt Payment discount: 1/4 % 10 days

Quote Validity: 45 days.

Option no.2

ITEM NO.	QTY	DESCRIPTION/ MODEL NO.
1	1	Patriot Prime Vacuum Assisted Dot Trailer Mounted Pioneer Pump Model: PPG63C17L2-PPT-1204F-E44TTA, Open Platform – DOT Trailer Mounted
See attached data sheets		
<u>Total.....\$110,000.00</u>		

Warranty: Manufacturer's standard warranty applies. One (1) year warranty.

Delivery:

- Estimated delivery is **28 Weeks** after receipt of order and approved submittal.
- Please note, due to COVID-19 there may be unanticipated disruptions and delays in the supply chains globally, for parts, components, equipment and internal manufacturing services such as engineering, production allocation, and logistics. This may result in manufacturing & delivery delays out of our control. We will do our best to communicate all such impacts and reduce the effects of any such delays.
- All delivery dates quoted are subject to manufacturer's confirmation at time of order.
- Submittal data will be provided for approval after receipt of order (if applicable)
- Customer to provide equipment and personnel to unload
- TII will provide MSO at time of payment confirmation. Customer is responsible for all titling and registration of trailer (If Applicable)

Freight: Included to Independence, KS 67301.

Payment Terms: NET 30

Prompt Payment discount: 1/4 % 10 days

Quote Validity: 45 days.

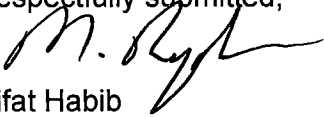
Technology International, Inc. Corporate data:

We are a small business and our Tax Payer Identification Number (TIN): 650342335. The above price quoted does not include any sales, excise or similar taxes.

We trust that this proposal will meet your requirements and we look forward to hearing from you.

If you have any questions or need more information, please contact us by phone at 407-359-2373, fax at 407-359-2372 or email us at tii@tii-usa.com

Respectfully submitted,

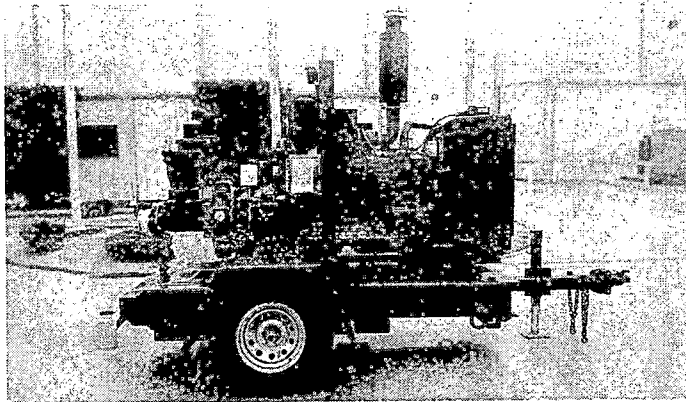
A handwritten signature in black ink, appearing to read "R. Habib", written over the printed name.

Rifat Habib
Business Development Exec.

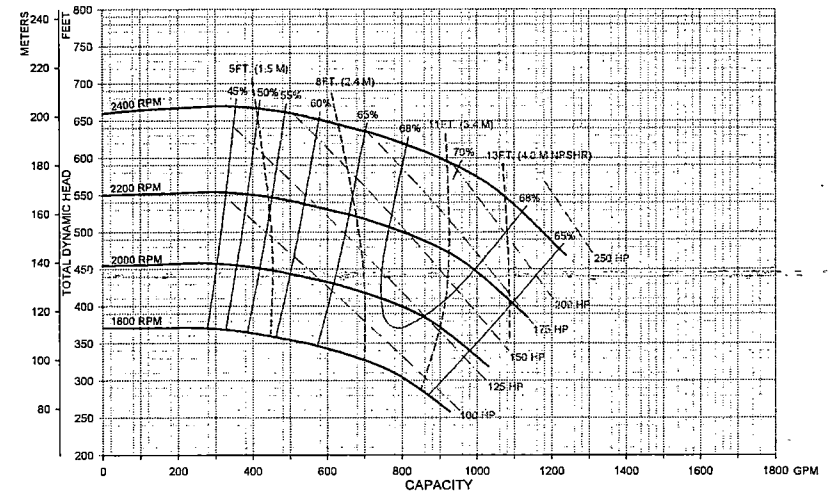


DRAGON

DP173X 6x3 Pump



DP173X 6x3 Pump



SPECIFICATIONS:

3617MX Cornell Pump Package with 173HP John Deere Engine; Vac Assisted Pump

3617MX Cornell Redi-Prime Pump

- All Iron Construction
- Horizontal Engine Mount
- SAE 3 Bell Housing; 11.5" Drive Coupling
- Tungsten to Silicon Carbide Mechanical Seal.
- Run-Dry reservoir
- Redi-Prime Priming System
- Grease lubricated Bearings
- Enclosed Stainless Impeller

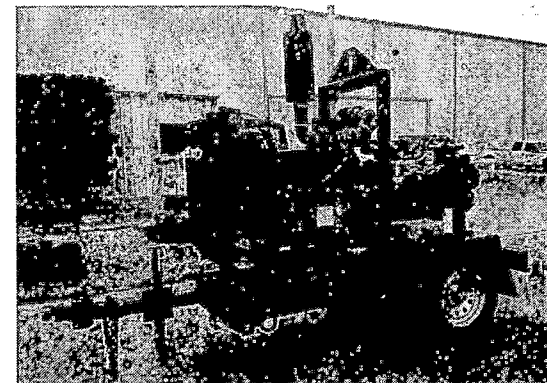
173HP Tier III John Deere Power Unit

- Model 6068
- In-Line 4 Cycle Turbo Charged

- Liquid Cooled
- 12 Volt
- Interim 173HP Limited at 2150RPMs
- LOFA 750 Standard Instrumentation W/ 15amp float switch
- Two year / 2000 Hour Warranty

Single Axle Fuel Cell Skid w/ Lifting Bell

- 6k Axle 16" 10ply trailer tires
- 96gal fuel cell
- Over the road light package
- Customer specified fittings
- Work Light and pressure gauges
- Dual 8K Leveling Jacks



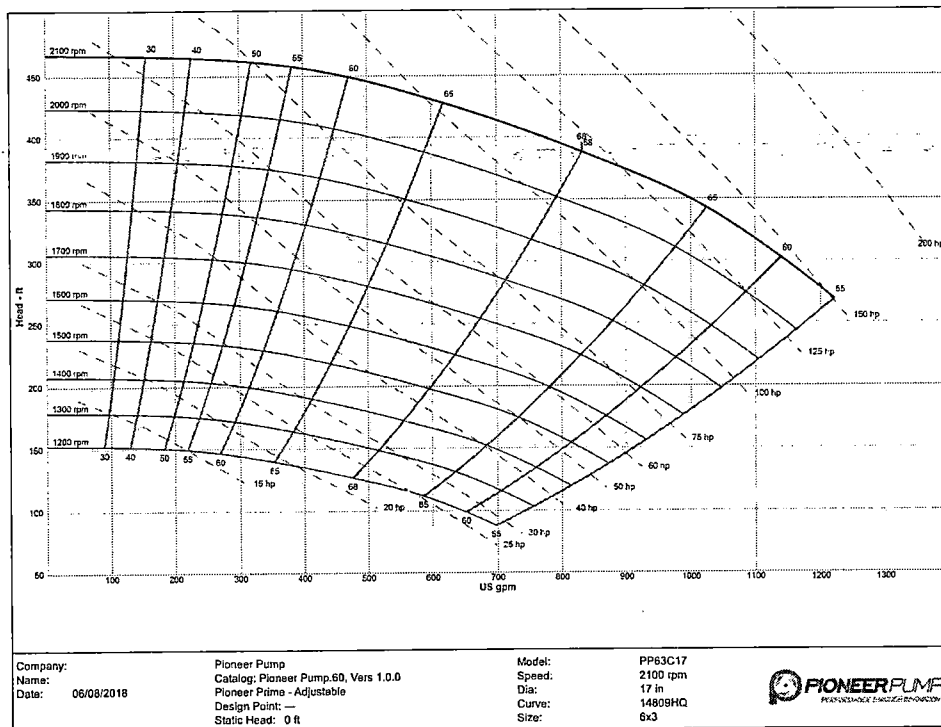
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PERFORMANCE

End Suction Standard Centrifugal Pump

8.25" shaft, frame mounted, heavy duty pump

Size	6" x 3"
Flow, Max	150 x 76 mm 960 USgpm 220 m ³ /hr 60 l/s
Head, Max	620 feet 190 meters
Flow at BEP	925 USgpm 210 m ³ /hr 60 l/s
Efficiency at BEP	72%
PEL Number	Close Coupled, 0.92 Frame Mounted, 0.93
Solids Handling, Max	0.76" 19 mm
Operating Speed, Max	2400 rpm
Suction Connection	6" (150 mm) 150 ANSI Flanges
Delivery Connection	3" (76 mm) 150 ANSI Flanges
Bearing Lubrication	Oil STD Grease optional
Fasteners	Imperial

APPLICATIONS

Oil & Gas	Petrochemical
Construction	Rental
Industrial	Agriculture
Mining	Irrigation
PosiValve™ Patent #6,783,730	



High Flow, Heavy Duty Pump

The SC63C17 is a high flow, ruggedized pump designed to run over a broad range of performance and deliver outstanding suction lift. The rugged construction and modular design provide proven reliability and flexibility in the most demanding applications.

OPTIONAL PRIMING SYSTEM

Priming System	Mechanically driven diaphragm-style vacuum pump
Air Removal Capability	50 CFM
Priming Chamber	Single chamber with positive sealing air separation PosiValve™ with stainless steel float ball & linkage
Discharge Check Valve	Swing style; ductile iron with nitride disc

SPECIFICATIONS

Mechanical Seal	Single seal w/ tungsten carbide vs. silicon carbide seal faces, Viton® elastomers, 300 series stainless steel hardware and spring (run dry option available)
Pump End Bearing	Single Row Ball
Drive End Bearing	Double Row Angular Contact
Shaft	17-4 PH Stainless Steel

MATERIALS OF CONSTRUCTION

Material	Standard Construction	CD4MCu Duplex Stainless
Impeller	Stainless Steel ASTM A744 CA6NM	ASTM A744 CD4MCu
Volute	Ductile Iron ASTM A536 65-45-12	ASTM A744 CD4MCu
Wear Ring	ASTM A48 Class 40 Gray Iron	ASTM A743 316 Stainless
Suction Cover	Ductile Iron ASTM A536 65-45-12	ASTM A744 CD4MCu
Brac-plate	Ductile Iron ASTM A536 65-45-12	ASTM A744 CD4MCu



PATRIOT PRODUCTS
GROUP

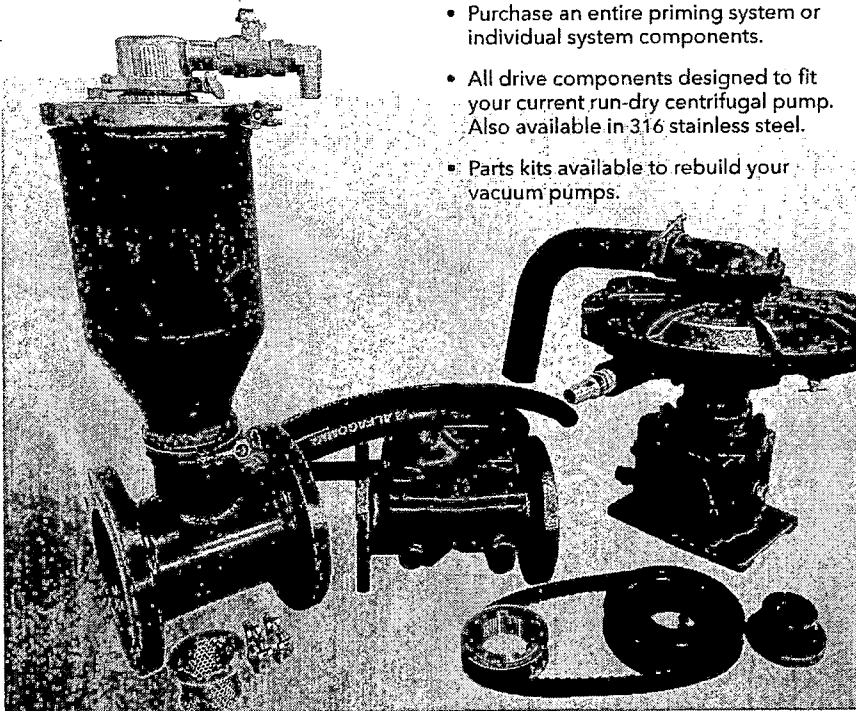


PRIMING SYSTEM ASSEMBLY

Adaptable to your Centrifugal Pump

Retrofit or upgrade your current Priming system
or replace individual components.

- Purchase an entire priming system or individual system components.
- All drive components designed to fit your current run-dry centrifugal pump. Also available in 316 stainless steel.
- Parts kits available to rebuild your vacuum pumps.



Patriot Product Group LLC | Sales: 503.910.2578 | www.patriotpumps.com



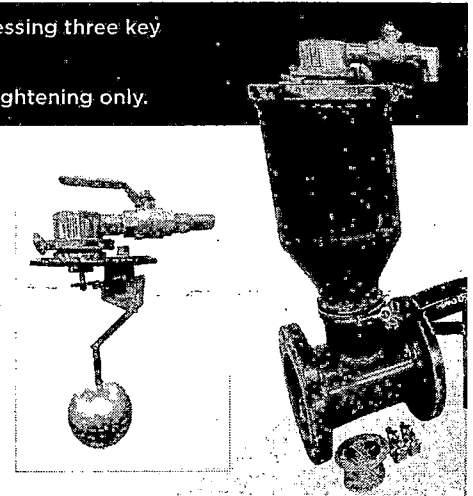
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PRIMING CHAMBER & SUCTION SPOOL

Incorporates Quick-Clamps for accessing three key locations of the Priming Chamber.

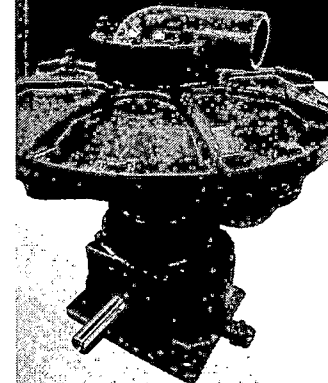
Requires NO tools to install, hand tightening only.

Material	ASTM A36 Carbon Steel Construction
Service Access.....	Sanitary Clamps with Buna-N Gaskets
Air Valve	304 Stainless Steel
Seal, Air Valve.....	Viton
Float Ball & Linkage.....	304 Stainless Steel
Chamber Strainer	304 Stainless Steel
Service Access.....	Sanitary Clamps with Buna-N Gaskets
Coatings.....	Quick Dry Metal Primer & Gloss Enamel



VACUUM PUMP

Interchangeable Performance/
Footprint/Parts with Similar
Designed Models

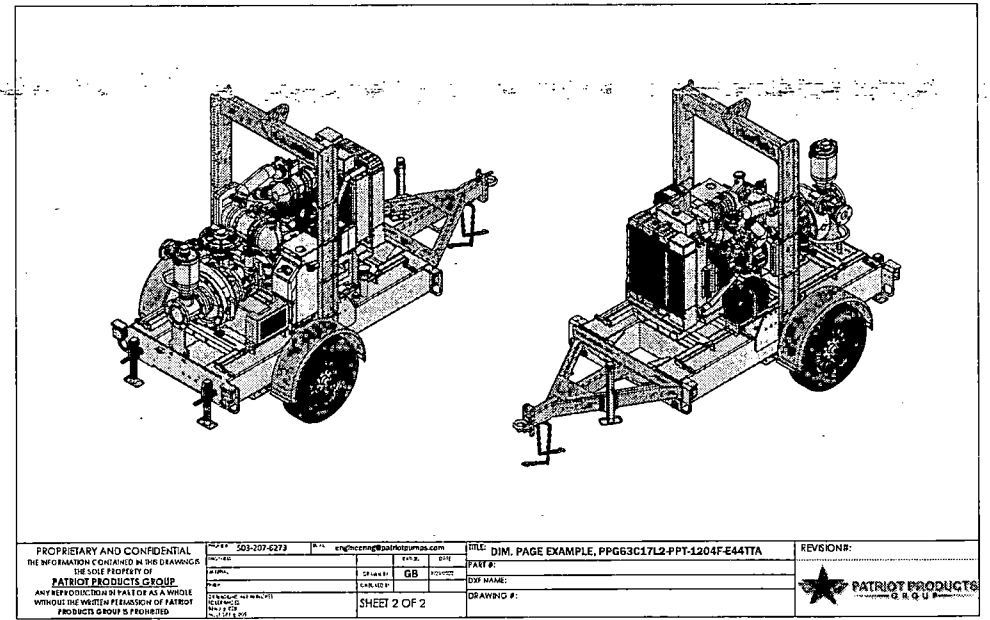
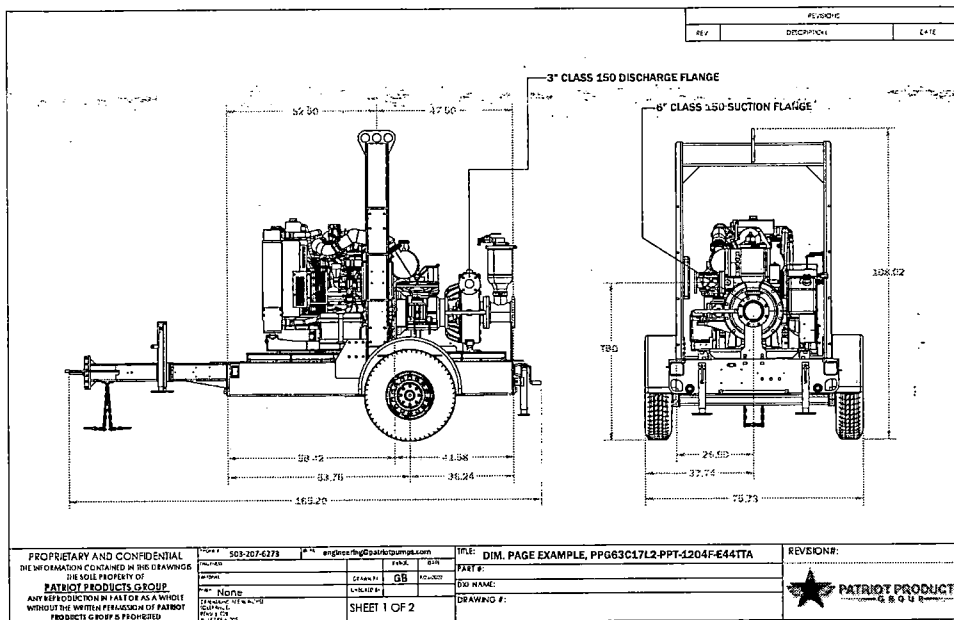


Air Handling Ability	50 C.F.M.
Pump Type	Diaphragm Style
Elastomers	Buna-N
Standard Const.	Cast aluminum upper housing Cast iron crank case & pedestal
Bearings	Open Ball Bearings
Lubrication.....	30W, non-Detergent
Air Connections	1" Male Hose Barb, Inlet 2" Male Nozzle (Smooth), Exhaust
Drive.....	Timing Belt with Shaft Pulleys

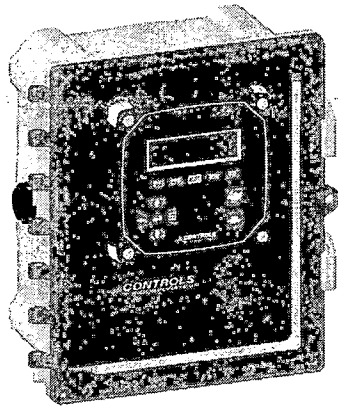
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PATRIOT PRODUCTS
GROUP



CX-83501-AS PANEL



Features	
•	T4F and Stage V Ready
•	High Visibility OLED Graphical Display
•	TSC1 Throttle Control
•	User Friendly Operation
•	Manual and Auto Start Operation
•	Engine, Pump, Generator
•	Telematics and SCADA Ready
•	Rugged, Sealed Electronics
•	Display up to 24 Parameters
•	Eight Relay Outputs
•	Eight Digital Inputs
•	Four Active Analog Channels
•	Three Resistive Sensor Inputs
•	Speed Capture for MPUs and Tach
•	MODBUS and CANBUS onboard

Controls Inc. releases new Pump Control

Using technological advances in today's advanced micro processors, Controls Inc. is transforming the pumping world with the simplest, most configurable pump control panels on the market. The CX display drives the panels extensive I/O and allows the most sophisticated, multi-ECU controlled engines to be tamed using proprietary methodology.

Whether you are looking to dewater a job site, transfer water across miles of terrain, or run a bypass and filtration job, the 83501 panel will make your operation a success. Each display has all the tools you will need to easily match the performance to the job required.

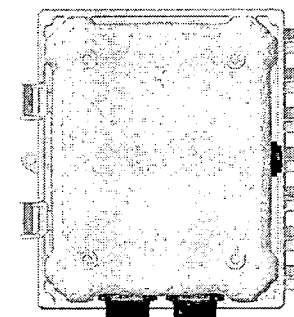
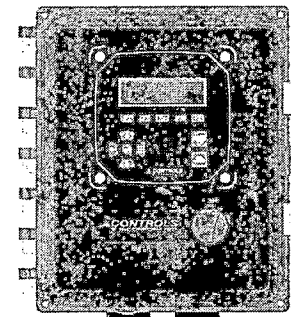
Knowing what is happening in the pump end is the key to success. The CX-83501-AS panel is equipped to monitor the inlet and outlet pressures and flow rate. Sump level can also be monitored and used to control the operation of the pump. Engine starting, stopping and speed control can be automated using a single or dual transducer configuration. Of course, single and dual floats can also be used in traditional settings with simple Drain and Fill mode selection.

Telemetry Ready

Each panel is equipped with a 4G/LTE plug ready connect you to your equipment. Know exactly when, where and how your equipment is being used. Perfect for remote trouble shooting and operation.

GENERAL SPECIFICATIONS

CONTROLLER	CX-83501-AS
OPERATING VOLTAGE	6-32 VDC
POWER CONSUMPTION	300mA Nominal, 40mA Standby
OPERATING AND STORAGE TEMP	-40C to +85C, Fully visible and readable with no degradation
DISPLAY	OLED 3.12" 256x64 Graphical, up to 24 parameters displayed across 3 screens. Custom Logo at power up available
ENCLOSURE	Polycarbonate, Lockable, Tinted Cover, Vented, 11.4" H x 9.4" W x 6.1" D
ENGINE HARNESS INTERFACE	HDP26-24-21SE, Engine Power, Control and Signal circuits
AUXILIARY I/O INTERFACE	HDP26-24-31SE, Suction and Discharge Pressure, Modbus and I/O
SINGLE/DUAL FLOAT INTERFACE	Deutsch 4 Pin, Drain or Fill Modes
LEVEL AND FLOW INTERFACE	Located in the Auxiliary I/O interface

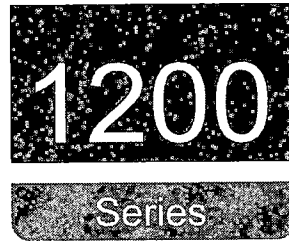


CAN BUS	(1) J1939 2.0B, 250 kbps	TELEMETRY INTERFACE	12 Pin Deutsch
MOD BUS	(1) RS485, Configurable	EXPANDABLE I/O	XCAN-IO-644
INPUTS	(3) Resistive, (6) Digital, (4) 4-20mA, (1) Speed Capture	ALARM AND EVENT LOGS	32 Events with time and data stamp
OUTPUTS	(2) 10 Amp, (6) 5 Amp	KEYPAD	(12) Rubberized, Stainless Steel Domed Buttons
REAL TIME CLOCK	YES	WEATHER INGRESS	IP67 Electronics
LED INDICATORS	Red, Yellow, Blue, Green	AUTOMATION	Start/Stop and Speed

1204J-E44TTA

129.4 kW at 2200 rpm

Industrial Open Power Unit (IOPU)



Basic technical data

Number of cylinders 4
Cylinder arrangement Vertical in-line
Cycle 4 stroke
Induction system Twin turbocharged aftercooled
Combustion system Direct injection
Compression ratio 16.5:1
Bore 105 mm (4.13 inches)
Stroke 127 mm (5.00 inches)
Displacement 4.4 litres (268.5 inches³)
Direction of rotation when viewed from flywheel Anti-clockwise
Firing order (No 4 at flywheel) 1, 3, 4, 2
Lifting points location
(as defined when looking from flywheel end) Front left hand side,
rear right hand side
Mobile use g-load limitations 6 vertical

Weight

Estimated total weight (dry) including radiator support brackets ... 681 kg
Estimated total weight (wet) including radiator support brackets ... 707.5 kg

Overall dimensions

Height, including radiator support brackets 1344 mm
Length, front of radiator to rear of air cleaner 1453 mm
Length, front of fuel cooler to rear of air cleaner 1532 mm
Width 869 mm

Moments of inertia

Engine rotational inertia (excluding pulley and flywheel) 0.17 kgm²
Crank pulley inertia 0.019 kgm²
Flywheel inertia (D0004) 1.20 kgm²

Centre of gravity

Forward from rear of block (wet) 416 mm
Above centre line of block (wet) 232 mm
Offset to right hand side of crankshaft centre line (wet) 25 mm

Performance

Note: All performance data based on operation to ISO Standard reference: TR 14396.

All ratings certified to within $\pm 3\%$
Speed variation at constant load $\pm$ 10 rpm

Test conditions

Air temperature 25°C
Barometric pressure 101 kPa
Relative humidity 10.7%
Air inlet restriction at maximum power (nominal) 6.5 kPa
Exhaust back pressure at maximum power (nominal) 21 kPa
Fuel temperature (inlet pump) 40°C

Bare Engine Noise data

Radiated sound power levels (dB(A) ref. 1pW)	2200 rpm	1400 rpm
At rated speed with puller fan	115.5 dB(A)	105.5 dB(A)
At rated speed with pusher fan	118.3 dB(A)	107.5 dB(A)

Note: If the engine is to operate in ambient conditions other than those of the test conditions, suitable adjustments must be made for these changes.

For full details, contact Perkins Technical Service Department.
Please consult relevant A&I Manual.

General installation

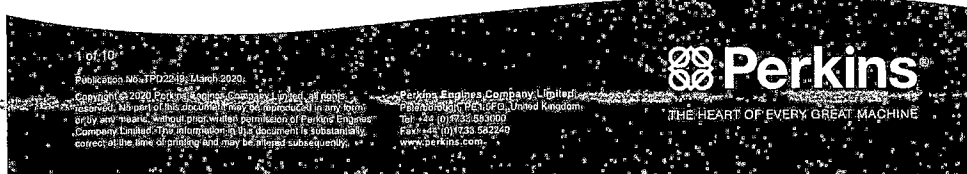
Rating 14958		Units	1200	1400	1600	1800	2000	2200
Gross engine power		kW	84.8	110.0	122.1	128.6	129.4	129.4
BMEP		kPa	1928	2142	2082	1949	1785	1504
Gross torque		Nm	675.0	750	729	682	616	562
Net Engine power (with puller fan and alternator at no load)		kW	84.0	109.5	120.3	125.6	125.6	124.2
Net Engine power (with pusher fan and alternator at no load)		kW	82.8	106.2	116.4	120.7	119.7	116.2
Air mass flow (wet) (intake air flow)		kg/min	5.2	7.0	8.1	8.7	8.8	9.7
Exhaust gas flow rate volume (wet) at 101 kPa STP		m ³ /min	4.3	5.7	6.6	7.1	7.2	7.9
Exhaust gas mass flow (kg/min) (wet)		kg/min	5.6	7.4	8.6	9.2	9.2	10.2
Exhaust temperature - turbo outlet (Turbine Outlet Temp)		°C	510	484	483	468	487	487
Puller fan power		(kW)	0.8	1.4	1.3	2.8	3.9	5.2
Pusher fan power		(kW)	2.0	3.8	5.7	7.9	9.7	14.2
0 Pa	Puller airflow	m ³ /s	2.1	2.5	2.6	3.1	3.5	3.8
	Pusher airflow	m ³ /s	2.9	3.4	3.6	4.3	4.8	5.3
	Puller core resistance	(Pa)	180	236	264	353	421	493
	Pusher core resistance	(Pa)	320	412	461	630	756	884
	Puller airflow	m ³ /s	1.6	2	2.2	2.8	3.2	3.5
	Pusher airflow	m ³ /s	2.6	3.1	3.4	4.1	4.6	5.1
120 Pa	Puller core resistance	(Pa)	116	170	199	282	360	434
	Pusher core resistance	(Pa)	258	352	403	573	669	837
	Puller airflow	m ³ /s	0.9	1.6	1.9	2.5	2.9	3.3
200 Pa	Pusher airflow	m ³ /s	2.3	2.9	3.2	4.0	4.5	5.0
	Puller core resistance	(Pa)	92	120	151	248	318	393
	Pusher core resistance	(Pa)	213	310	362	632	681	789

Caution: The airflow shown in this table will provide acceptable cooling for a power unit operating in ambient temperatures of up to:
55°C (131°F) with no restriction (open unit)
48°C (118.4°F) with 120Pa and 200kPa restriction.

If the power unit is to be enclosed totally a cooling test should be done to check that the engine cooling is acceptable. If there is insufficient cooling, contact Perkins Technical Service Department.

Energy balance

	Units	1200	1400	1600	1800	2000	2200
Gross engine Power	kW	84.8	110.0	122.1	128.6	129.4	129.4
Air temperature after charge cooler (ATAAC exit temperature)	°C	55	55	55	55	55	55
Heat rejection to radiator (RE to JWR)	kW	49.3	55.8	63.8	64.6	68.1	67.8
Energy to exhaust	kW	78.9	102.7	119.1	124.7	128.3	141.8
Energy to charge coolers (From AFT CLR)	kW	7.4	13.3	17.0	17.6	16.0	17.6
Energy to radiation	kW	14.7	18.6	21.2	22.0	22.3	23.2



Cooling system

Cooling pack

Overall weight (wet)	59.8 kg
Overall face area	0.46 m ²
Width	777.5 mm
Height	981.1 mm

Radiator

Face area	0.31 m ²
Number of rows and material	4, Aluminium
Matrix density and material	10 fins/inch, Aluminium
Width of matrix	439.8 mm
Height of matrix	690.0 mm
Pressure cap setting	100 kPa

Charge cooler

Face area	0.18 m ²
Number of rows and materials	2, Aluminium
Matrix density and material	10 fins/inch, Aluminium
Width of matrix	266.0 mm
Height of matrix	685.0 mm

Fan

Type/puller	M0015
Diameter	660 mm
Drive Ratio	0.85:1
Number of blades	7
Material	Composite
Airflow at maximum rated speed (2200rpm)	3.8 m ³ /sec
Airflow at maximum torque speed (1400rpm)	2.5 m ³ /sec
Power absorbed @ maximum rated speed 2200 rpm	5.2 kW

Type pusher	M0013
Diameter	559 mm
Drive ratio	1.2:1
Number of blades	7
Material	Composite
Airflow at maximum rated speed (2200rpm)	5.3 m ³ /sec
Airflow at maximum torque speed (1400rpm)	3.4 m ³ /sec
Power absorbed @ maximum rated speed 2200 rpm	14.2 kW

Coolant

Total system capacity	19.5 litres
Bare engine capacity	9.1 litres
Maximum top tank temperature	108°C
Thermostat operation range	82 - 94°C
Recommended coolant	Perkins ELC, or an antifreeze that meets "ASTM D6210" specification

Duct allowance

Maximum additional restriction to cooling airflow and resultant minimum airflow

M0015 Puller

Puller engine speed (rpm)	Ambient clearance (°C)	Duct allowance (Pa)	Cooling fan airflow (m ³ /sec)	Radiator core resistance (Pa)
1800	48	120	2.2	292
2200	48	120	3.5	434
1800	48	200	2.5	248
2200	48	200	3.3	393

M0013 Pusher

Pusher engine speed (rpm)	Ambient clearance (°C)	Duct allowance (Pa)	Cooling fan airflow (m ³ /sec)	Radiator core resistance (Pa)
1800	48	120	4.1	573
2200	48	120	5.1	837
1800	48	200	4.0	533
2200	48	200	5.0	769

Electrical system

Alternator	Unit	N0105	N02011
Alternator voltage	Volts	12	24
Alternator output	Amps	160	55

Starter	Unit	E0100	E02051
Starter motor voltage	Volts	12	24
Starter motor power	kW	4.0	4.5
Number of teeth on flywheel (SAE3 (D0004))		126	
Number of teeth on started pinion		10	
Minimum cranking speed	rpm	100 with glow plugs, 130 without glow plugs	
Starter solenoid - Maximum pull-in current @ -20°C	Amps	68	30
Starter solenoid - Maximum hold-in current @ -20°C	Amps	20	6

Cold start recommendations

Minimum battery cold cranking amps

Cold start recommendation	Minimum battery Cold Cranking Amps	
	With glow plugs 12 volts	With glow plugs 24 volts
-5	750	525
-10	750	525
-15	1650	525
-20	1650	525
-25	1500	525
Maximum battery CCA	2410	680

Note:

- Glow plugs needed below -10°C.
- For installation requirements please see Applications and Installation Manual

Exhaust system aftertreatment SF350

Aftertreatment system type	DOC +DPF/SCR
Type of regeneration	Passive
Dimensions	
Length	682 mm
Width	609 mm
Height	425 mm
Mass	65 Kg
Skin Temperature for aftertreatment	maximum 250°C on can surfaces
Typical maximum temperature aftertreatment out	550°C
Aftertreatment exhaust outlet connection	76.3 mm OD
DEF injector coolant lines	Fitted as standard
Maximum allowable bending moment on SCR outlet @ GLoad ..	60 Nm
Maximum back pressure for customer installed pipe work	7 kPa

Fuel consumption (SFC)

Data	Unit	Engine speed @ 25°C Ambient					
		1200	1400	1600	1800	2000	2200
BSFC g/kWhr - All speeds, 25% load	g/kWhr	230	225	231	250	255	287
BSFC g/kWhr - All speeds, 50% load	g/kWhr	217	204	208	219	223	235
BSFC g/kWhr - All speeds, 75% load	g/kWhr	201	202	201	202	206	213
BSFC g/kWhr - All speeds, 100% load	g/kWhr	208	202	208	203	207	214
BSFC g/kWhr - All speeds, 25% load	l/hr	5.8	7.3	8.4	9.4	9.7	11.5
BSFC g/kWhr - All speeds, 50% load	l/hr	11.0	13.4	15.2	16.8	17.2	18.2
BSFC g/kWhr - All speeds, 75% load	l/hr	15.3	19.9	22.0	23.2	23.9	24.7
BSFC g/kWhr - All speeds, 100% load	l/hr	20.8	26.5	30.0	31.2	32.0	33.0

Diesel Exhaust Fluid consumption typically 3-4% of fuel consumption

Induction system

Maximum air intake restriction of engine

Clean filter	5.0 kPa
Dirty filter	8.0 kPa
Induction Indicator setting	8.0 kPa
Air filter type	Medium duty
Specification - minimum dust-holding capacity (tested to S.A.E J726b or ISO 5011): 10 gram SAE coarse test dust/cu. ft./min of airflow	

Fuel system

Fuel injection system

Fuel pump type/model	HP3
Injection system	Common rail
Injector type	Electronic - Solenoid controlled
Injection pressure	Electronically governed

Fuel priming

Priming pump type	Roller Vane
Maximum priming time	120 seconds

Fuel feed

Lift pump type	Roller vane
Maximum fuel supply restriction at lift pump in	20 kPa
Maximum fuel return restriction at flow idle	20 kPa
Maximum fuel return flow	2.5 l/min
Maximum lift pump delivery flow rate	3.0 l/min
Maximum/minimum pressure at electric lift pump inlet	+15 kPa/-20 kPa
Maximum pump delivery pressure	450 kPa
Maximum fuel temperature at lift pump inlet	80°C
Maximum fuel filter service interval	500 hours
Low pressure fuel system sequence	Primary filter, lift pump, secondary filter.

Fluid specification

ULSD (Ultra Low Sulphur Diesel) maximum 15 ppm Sulphur
ISO Specification 22241-1 Diesel Exhaust Fluid

Lubrication system

G1100 unbalanced / G0300 balanced

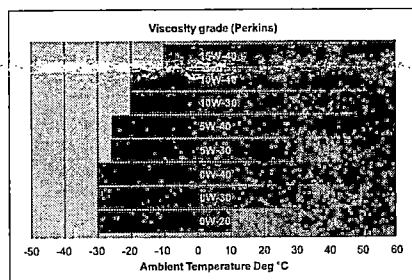
Total system capacity 12.1/10.6 litres
Maximum capacity in sump 11.0/9.0 litres
Minimum capacity in sump 8.6/7.0 litres
Maximum oil temperature continuous operation 125°C
Minimum oil temperature intermittent operation 135°C

Lubricating oil pressure

Minimum 250 kPa @ 1000 rpm
Oil relief valve opening pressure 440 kPa
Sump drain plug tapping size
or hose connection size 3/4 UNF STOR port
Oil pump drive method Gerotor (gear driven off crankshaft)
Lubricating oil flow at rated speed 50 litres/min
Oil consumption at full load rated speed (% of fuel) 0.065%

Recommended SAE viscosity

A multigrade oil must be used which conforms to API CJ4,
ACEA E9 or ECF3 must be used, see illustration below:



Normal operating angles

Front and rear 45° (Unbalanced) 40° (Balanced)
Side 45° (Unbalanced) 40° (Balanced)

PTO capabilities

Q1030

Flange type	SAEA
Torque capability intermittent	210 Nm
Torque capability continuous	142 Nm
Maximum bending moment at flange	0 Nm

Note: Refer to 'Applications and Installation Manual' (A&I) for PTO approval requirements

Mountings

Maximum static bending moment at rear face of block	Nm	3000 Nm / 3g = +/- 1000 Nm static vertical Bending moment 1700 Nm / 2g = +/- 850 Nm static lateral Bending moment
Maximum permissible front and rear crankshaft overhung load capability	N	See OHL Polar Diagrams in L&M
Maximum permissible front/rear crankshaft overhung load capability and bending moment	Nm	Dynamic vertical bending moment Nm ± 3000 Nm Dynamic lateral bending moment Nm ± 1700 Nm

Note: Refer to 'Applications and Installation Manual' for bending moment approval requirements



1385 Industrial Ave, Suite-C, Woodburn, OR 97071
4050 W. Saturn Way, Chandler, AZ 85226
Phone: 480-977-6184 Website: www.patriotpumps.com

PATRIOT PRODUCTS GROUP LLC LIMITED WARRANTY

LIMITED WARRANTY: Seller warrants for two years from the date of shipment Seller's manufactured products to the extent that Seller will replace those having defects in materials or workmanship when used for the purpose and in the manner which Seller recommends. If Seller's examination shall disclose to its satisfaction that the products are defective, and an adjustment is required, the amount of such adjustment shall not exceed the net sales price of the defective products and no allowance will be made for labor or expense of repairing or replacing defective products or workmanship or damage resulting from the same. Seller warrants the products which it sells of other manufacturers to the extent of the warranties of their respective makers. Where engineering design or fabrication work is supplied, buyer's acceptance of Seller's design or of delivery of work shall relieve Seller of all further obligation, other than as expressed in Seller's product warranty.

THIS IS SELLER'S SOLE WARRANTY. NO OTHER WARRANTIES, WRITTEN OR ORAL, EXPRESS OR IMPLIED, INCLUDING THE WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE AND MERCHANTABILITY, ARE MADE OR AUTHORIZED. NO AFFIRMATION OF FACT, PROMISE, DESCRIPTION OF PRODUCT OF USE OR SAMPLE OR MODEL SHALL CREATE ANY WARRANTY FROM MANUFACTURER, UNLESS SIGNED BY THE PRESIDENT OF THE MANUFACTURER.

Seller neither assumes, nor authorizes any person to assume for it, any other obligation in connection with the sale of its engineering designs or products. This warranty shall not apply to any products or parts of products which (a) have been repaired or altered outside of Seller's factory, in any manner; or (b) have been subjected to misuse, negligence or accidents; or (c) have been used in a manner contrary to Seller's instruction or recommendations. Seller shall not be responsible for design errors due to inaccurate or incomplete information supplied by Buyer or its representative.





**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Finance

Director Approval Lacey Lies

AGENDA ITEM Consider adopting an ordinance amending Ordinance No. 4344 having to do with court costs.

SUMMARY RECOMMENDATION Adopt Ordinance 4423

BACKGROUND The current city ordinance does not allow the municipal court judge to assess the cost of incarceration unless and until the defendant is sentenced to incarceration. There are times when a defendant is arrested, placed in jail, and may serve 1-4 days in jail before being released. Even if the defendant is later convicted and sentenced, the wording of our current ordinance does not allow the defendant to be assessed the cost of the pre-conviction incarceration. The attached ordinance changes that. A conviction is still required, but under the new amendment, the judge can assess the cost of both pre- and post-conviction incarceration.

FINANCIAL INFORMATION Increase eligible reimbursements for incarceration expenses

SUGGESTED MOTION I move to adopt Ordinance 4423, which amends incarceration fees.

SUPPORTING DOCUMENTS

1. Ordinance 4423 - Court Costs

ORDINANCE NO. 4423

**An Ordinance Amending Ordinance No. 4344
Having to do with Court Costs**

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. City Code Section 26-4 titled “Court Costs”, subsection 4, is amended in its entirety to read as follows:

26-4. Court Costs.

(4) *Incarceration Fee.* The cost of any pre-conviction or post-conviction incarceration in the amount set forth in Appendix D of the Code.

Section 2. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 22nd day of December, 2022.

DEAN A. HAYSE, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider condemnation of 1016 W. Myrtle as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends condemnation as dangerous and unsafe

BACKGROUND The City of Independence recently removed 1010 and 1020 W. Myrtle structures as dangerous and unsafe. It was determined that a third garage, owned by Chris Linker was actually addressed as 1016 W. Myrtle and was not included in the condemnations of 1010 and 1020 W. Myrtle. In order to follow City policy to clear the lots the City is requesting the condemnation and removal of this garage and debris located at 1016 W. Myrtle. The owner has failed to respond to mail or phone calls by the City.

FINANCIAL INFORMATION Removal of the garage and debris if the owner fails to commence removal.

SUGGESTED MOTION I move to adopt a resolution condemning the property at 1016 W. Myrtle as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2022-068 - CONDEMNATION - DAYS - 1016 W Myrtle
2. 1016 W. Myrtle - Notice of Public Hearing - Dec 22 2022
3. Parcel - 1016 W. Myrtle
4. 20220407_155756

RESOLUTION NO. 2022-068

A RESOLUTION FINDING THAT THE STRUCTURE, OR STRUCTURES, LOCATED ON THE FOLLOWING TRACT/PARCEL IN THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, IS UNSAFE AND DANGEROUS AND ORDERED CONDEMNED AND DIRECTING SAID STRUCTURE, OR STRUCTURES, TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE. SAID REPAIR OR REMOVAL WILL COMMENCE WITHIN **30 DAYS** OF THE PUBLICATION OF THIS RESOLUTION.

Legal Description

Lot 8, Block 4 of the Concannons Addition to the City of Independence, Montgomery County, Kansas

Common Address

1016 W Myrtle Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 13th day of October, 2022, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2022—053**, dated **October 13, 2022**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 19, 2022 and October 26, 2022**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

The said governing body hereby finds that the structure, or structures, located on the following described tract/parcel in the City of Independence, Montgomery County, Kansas:

Legal Description

Lot 8, Block 4 of the Concannons Addition to the City of Independence, Montgomery County, Kansas

Common Address

1016 W Myrtle Street

Mortgage

Is unsafe and dangerous and constitutes a blight and therefore should be and is hereby condemned and it is hereby directed that such structure, or structures, be repaired or removed and the premises made safe and secure. The owner of the structure, or structures, is hereby given **30 days** from the publication of this resolution within which to commence such repair or removal and the premises made safe and secure. If the owner of such structure, or structures fails to diligently prosecute the same until the work is completed, said governing body will cause the structure, or structures, to be razed and removed, in order to make the premises safe and secure.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published once in the official city newspaper and a copy mailed to the owner, his or her agent, lien holders and occupants as provided by law and a copy of said resolution shall be filed with the Montgomery County Register of Deeds.

Adopted this 22nd day of December, 2022.

(SEAL)

Mayor

City Clerk



December 05, 2022

Chris Linker
1931 S. Market St.
Wichita, Ks. 67211

Dear Sir:

I am writing to inform you that the City of Independence will be asking the Commission on December 22, 2022, to condemn the garage structure as dangerous and unsafe and clear the lot. The City Commission meetings are held at 410 N. Penn Ave, Memorial Hall Civic Center. The Public Hearing is scheduled for 5:30 p.m. on December 22, 2022.

Please feel free to contact me by calling 620-332-2528 or by email at davidc@independenceks.gov or bldginspector@independenceks.gov.

Thank You,

David Cowan

David Cowan, Building Inspector
City of Independence Kansas

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The Parcel Number for this Property is 063-087-36-0-10-07-009.00-0
Quick Ref ID: 3767

Owner Information

Owner Name	LINKER, CHRISTOPHER SR & CRYSTAL
Address	1931 S MARKET ST WICHITA, KS 67211

Property Situs Address

Address	1016 W MYRTLE ST, Independence, KS 67301
----------------	--

Land Based Classification System

Function	Accessory residential support use (garage/shed)
Activity	Residential activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.F
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Residential Street - 4
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2022 Appraised Value

Class	Land	Building	Total
Residential - R	1,300	400	1,700
Total	1,300	400	1,700

2021 Appraised Value

Class	Land	Building	Total
Residential - R	1,920	370	2,290
Total	1,920	370	2,290

Tract Description

CONCANNONS ADD, S36, T32, R15, BLOCK 4, Lot 8, Lot Width: 050.0 Lot Depth: 140.0 Plat Book/Page 1 /8 Deed Book/Page 702 /960 676 /575 670 /1076 598 /775 588 /252 562 /649 333 /024

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
702	960	676	575	588	252	588	138

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	vacant- 2	7000										1,300

Other Improvements

No	Occupancy	MSCIs	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
26	Residential Garage - Detached	D	1.00	1	1930			420	82	8	21 X 20	1	1	2					10,070	4	400

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**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider condemnation of 217 S. Earl as dangerous and unsafe.

SUMMARY RECOMMENDATION City staff recommends adjourning the hearing until May 25, 2023

BACKGROUND The property at 217 S. Earl was involved in a structure fire and the house was a total loss. The previous owner, Dennis Musgrove, removed the house but refused to clear the property and left the garage. He has now sold the property to Wallace Cady of Delaware, Oh., who has plans to build a house in 2023. City Staff recommends adjourning the hearing until May 25, 2023 to allow the owner to submit plans and begin his building project.

FINANCIAL INFORMATION The City still retains insurance proceeds to remove the garage if the owner fails to commence his project.

SUGGESTED MOTION I move to adjourn the hearing until May 25, 2023 at 5:30 PM.

SUPPORTING DOCUMENTS

1. Parcel
2. Owners & Encumbrances Report

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The Parcel Number for this Property is 063-099-31-0-10-22-018.00-0
Quick Ref ID: 6699

Owner Information

Owner Name	CADY, WALLACE L
Address	1686 BERLIN STATION RD DELAWARE, OH 43015

Property Situs Address

Address	217 S EARL ST, Independence, KS 67301
----------------	---------------------------------------

Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.F
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1
Fronting	Residential Street - 4
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3

Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2022 Appraised Value

Class	Land	Building	Total
Residential - R	4,480	28,410	32,890
Total	4,480	28,410	32,890

Tract Description

CHANEYS ADD, S31, T32, R16, BLOCK 3, Lot 5,6, 8547 SQUARE FEET, Lot Width 100' Lot Depth 88.5' Plat Book/Page 6 /1 Deed Book/Page 683 /448 600 /136 268 /402
--

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
719	428	683	448	646	91	600	136

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	8547										4,480

Dwelling Information

Dwelling Information						Comp Sales Information					
Res Type			Single-family Residence			Arch Style			Bungalow		
Quality			FR+			Bsmt Type			Crawl - 2		
Year Built			1915			Total Rooms			6		
Eff Year						Bedrooms			3		
MS Style			One Story			Family Rooms					
LBCSStruct			Detached SFR unit			Full Baths			1		
No. of Units						Half Baths					
Total Living Area						Garage Cap					

Calculated Area	1,344
Main Floor Living Area	1,344
Upper Floor Living Area Pct.	
CDU	FR
Phys/Func/Econ	AV-/ /
Ovr Pct Gd/RCN	/116,570
Remodel	
Percent Complete	
Assessment Class	
MU Cls/Pct	

Foundation	Block - 3
-------------------	-----------

Dwelling Components				
Code	Units	Pct	Quality	Year
Raised Slab Porch (SF) with Roof	224			
Frame, Siding, Wood		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Floor Furnace		100		
Plumbing Fixtures (#)	5			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				

Building Improvements																					
Id	Occupancy	MSCls	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
09	Residential Garage - Detached	D	1.00	1	1975			720	108	8	30 X 24	1	3	3					14,710	27	3,970

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Date: September 16, 2022

File No: 2543924

Property Address: 217 S. Earl, Independence, KS
67301

Title Officer: Mary Jo Wallis

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:

City of Independence

811 W. Laurel

Independence, KS 67301

Attn: David Cowan

Email: davidc@independenceks.gov

Phone: 620-332-2528

Fax: 620-331-1628

Effective Date of this Report: September 13, 2022 at 7:30 A.M.

On Real Estate described as:

Lots 5 and 6, Block 3, Chaney's Addition, City of Independence, Montgomery County, Kansas

The County Register of Deeds records indicate that:

- A. The Grantees on the last deed of record are:

Wallace L. Cady

(mailing address: 1626 Berlin Station Rd, Delaware, OH 43015)

- B. The Real Estate is encumbered by the following Mortgages, Contracts for Deed, Federal Tax Liens, State Tax Liens, Bankruptcies, and Judgments:

NONE

The County Tax Records indicate that the real estate taxes are:

(A) General taxes and special assessments for the fiscal year 2021 in the original amount of \$626.06.

First Installment: \$313.03, PAID

Second Installment: \$313.03, PAID

Property I.D. # 063-099-31-0-10-22-018.00-0

PIN #IC 4304

This Report is limited to only the information described above.

This report is not nor is to be construed as, an Abstract of Title, title opinion, or title insurance policy.

The total liability of this Company by reason of losses and damages that may occur by reason of any errors and omissions in this Company's report, is limited to the fee it received for the preparation and issuance of this report.

SECURITY 1ST TITLE

By: 

LICENSED ABTRACTER



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Admin

Director Approval David Cowan

AGENDA ITEM Public Hearing to consider condemnation of a garage at 108 S. Wald as dangerous and unsafe.

SUMMARY RECOMMENDATION City staff recommends condemnation as dangerous and unsafe.

BACKGROUND The garage at 108 S. Wald Ave was destroyed by fire in October 2022. The property tenant has attempted to remove the debris but has not been successful in removing all of the debris and slab. City staff recommend condemnation as dangerous and unsafe, and this will give the owner an additional 30 days to finish the removal of the garage structure and concrete.

FINANCIAL INFORMATION The cost of removal of the structure and concrete if the owner fails to finish the removal of the structure.

SUGGESTED MOTION I move to adopt a resolution condemning the garage at 108 S. Wald as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2022-069 - CONDEMNATION - DAYS - 108 S Wald - Garage
2. 108 S. Wald - Hearing Notice - 12142022 - Hastings
3. 108 S. Wald - Hearing Notice - 12142022
4. Parcel - 108 S. Wald
5. 1000000477
6. 1000000479
7. 1000000478

RESOLUTION NO. 2022-069

A RESOLUTION FINDING THAT THE STRUCTURE, OR STRUCTURES, LOCATED ON THE FOLLOWING TRACT/PARCEL IN THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, IS UNSAFE AND DANGEROUS AND ORDERED CONDEMNED AND DIRECTING SAID STRUCTURE, OR STRUCTURES, TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE. SAID REPAIR OR REMOVAL WILL COMMENCE WITHIN **30 DAYS** OF THE PUBLICATION OF THIS RESOLUTION.

Legal Description

South 60' of Lot 10 of the Riverview Addition to the City of Independence, Montgomery County, Kansas

Common Address

108 S Wald Avenue

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 26th day of October, 2022, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2022—055**, dated **October 26, 2022**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **November 1, 2022 and November 8, 2022**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

The said governing body hereby finds that the structure, or structures, located on the following described tract/parcel in the City of Independence, Montgomery County, Kansas:

Legal Description

South 60' of Lot 10 of the Riverview Addition to the City of Independence, Montgomery County, Kansas

Common Address

108 S Wald Avenue

Mortgage

Is unsafe and dangerous and constitutes a blight and therefore should be and is hereby condemned and it is hereby directed that such structure, or structures, be repaired or removed and the premises made safe and secure. The owner of the structure, or structures, is hereby given **30 days** from the publication of this resolution within which to commence such repair or removal and the premises made safe and secure. If the owner of such structure, or structures fails to diligently prosecute the same until the work is completed, said governing body will cause the structure, or structures, to be razed and removed, in order to make the premises safe and secure.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published once in the official city newspaper and a copy mailed to the owner, his or her agent, lien holders and occupants as provided by law and a copy of said resolution shall be filed with the Montgomery County Register of Deeds.

Adopted this 22nd day of December, 2022.

(SEAL)

Mayor

City Clerk



December 14, 2022

Chris Hastings
2410 Gary Ave
Independence, Ks. 67301

Dear Owner of Property.

I am writing to inform you that a Public Hearing for 108 S. Wald Ave is scheduled for December 22, 2022 at 5:30 p.m. The hearing will consider the condemnation of the garage as dangerous and unsafe.

The City Commission meetings are held at 410 N. Penn Ave, Memorial Hall Civic Center.

Please contact me at davidc@independenceks.gov or 620.332.2528 regarding your intentions with this property before the meeting.

Thank You,

David Cowan

David Cowan, Building Inspector
City of Independence Kansas



December 14, 2022

Lisa & Abril Shartzter
613 W. 6th
Beardstown, IL 62618

Dear Owner of Property.

I am writing to inform you that 108 S. Wald Public Hearing to consider condemnation of the garage as dangerous and unsafe is scheduled for December 22, 2022, at 5:30 p.m.

The City Commission meetings are held at 410 N. Penn Ave, Memorial Hall Civic Center.

Please contact me at davidc@independenceks.gov or 620.332.2528 regarding your intentions with this property before the meeting.

Thank You,

David Cowan

David Cowan, Building Inspector
City of Independence Kansas

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The Parcel Number for this Property is 063-099-31-0-10-13-014.00-0
Quick Ref ID: 6598

Owner Information

Owner Name	SHARTZER, LISA D & ABRIL, HEATHER B
Address	613 W 6TH BEARDSTOWN, IL 62618

Property Situs Address

Address	108 S WALD AVE, Independence, KS 67301
----------------	--

Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.A
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Residential Street - 4
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2022 Appraised Value

Class	Land	Building	Total
Residential - R	10,670	16,530	27,200
Total	10,670	16,530	27,200

Tract Description

RIVERVIEW ADD NO2 31-32-16, S31, T32, R16, S 60' LOT 10; Lot Width: 060.0 Lot Depth: 122.0 Plat Book/Page B /19 Deed Book/Page 683 /571
 642 /255 638 /752 548 /503 468 /217 371 /043

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
683	571	642	255	594	706		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	7320										10,670

Dwelling Information

Dwelling Information		Comp Sales Information	
Res Type	Single-family Residence	Arch Style	Bungalow
Quality	FR-	Bsmt Type	Partial - 3
Year Built	1910	Total Rooms	5
Eff Year		Bedrooms	2
MS Style	One Story	Family Rooms	
LBCSStruct	Detached SFR unit	Full Baths	1
No. of Units		Half Baths	
Total Living Area		Garage Cap	
Calculated Area	1,049	Foundation	Block - 3
Main Floor Living Area	1,049		
Upper Floor Living Area Pct.			
CDU	FR		
Phys/Func/Econ	FR- / /		
Ovr Pct Gd/RCN	/113,340		
Remodel			
Percent Complete			
Assessment Class			
MU Cls/Pct			

Dwelling Components				
Code	Units	Pct	Quality	Year
Enclosed Wood Deck (SF), Solid Wall	64			
Enclosed Wood Deck (SF), Screened Walls	160			
Frame, Siding/Shingle		100		
Composition Shingle		100		
Total Basement Area (SF)	456			
Raised Subfloor (% or SF)		100		
Warmed & Cooled Air		100		
Plumbing Fixtures (#)	5			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				

Building Improvements																			
Id	Occupancy	MSCls	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN
73	Tool Shed	D	1.00	1	1960			308	72	8	22 X 14	1	2	3					3,330

Building Improvement Components							
Id	Code	Units	Pct	Size	Other	Rank	Year
73	Single -Wall-Boards on Wood		100				

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**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Admin

Director Approval April Nutt

AGENDA ITEM Public Hearing for submission of a CBDG Commercial Rehabilitation Grant for 106 N. 8th on behalf of Trident Partnerships LLC, including the approval of Resolution #2022-070 and Resolution #2022-071.

SUMMARY RECOMMENDATION Approve the submission of a CBDG Commercial Rehabilitation Grant for 106 N. 8th on behalf of Trident Partnerships LLC, including the approval of Resolution #2022-070 and Resolution #2022-071.

BACKGROUND Trident Partners LLC requests the City of Independence approve the submission of a Commercial Rehabilitation Community Development Block Grant for 106 North 8th Street. The purpose of Commercial Rehabilitation grants is to help cities improve the quality of their downtown commercial districts by assisting private property owners in the rehabilitation of blighted buildings. It is hoped that strategic investment of grant funds will help prevent the spread of blighted conditions to other nearby structures. The grant will be submitted for the maximum grant allowed of \$250,000 with a 25% required match. The City of Independence would serve as a pass-through entity, with the building owner being responsible for meeting the grant guidelines and will be held responsible if they are not met.

FINANCIAL INFORMATION There is no impact on the City budget.

SUGGESTED MOTION I move to approve the submission of Trident Partnerships LLC's Commercial Rehabilitation Community Development Block Grant for 106 North 8th by approving Resolution #2022-070; a "Resolution Declaring a Building Blighted" and Resolution #2022-071; a "Resolution Clarifying Legal Authority" and authorizing the Mayor to sign all documents.

SUPPORTING DOCUMENTS

1. Resolution 2022-070 - Declaring Structure Blighted - 106-110 N 8th
2. Resolution 2022-071 - CDBG Grant for matching funds - 106-110 N 8th
3. Anti-displacement
4. Determination of Level of Review
5. Disclosure Report
6. Statement of Assurances
7. Trident Partnerships-City of Independence - CDBG-CR-HOPE VI Combined Consultant Contract

CITY OF INDEPENDENCE, KANSAS

RESOLUTION NO. 2022-070

A RESOLUTION DECLARING A BUILDING BLIGHTED
WITH RESPECT TO THE KANSAS SMALL CITIES
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

WHEREAS, Congress recognized the prevention and elimination of slum and blight as a national objective under the Housing and Community Development Act of 1974; and

WHEREAS, The State of Kansas in its Urban Renewal Law of 1955 declared that the prevention and elimination of slums and blight is a matter of state policy and concern; and

WHEREAS, The City of Independence wishes to stabilize and improve the economic viability of the downtown commercial district by encouraging private property owners to make improvements on existing blighted buildings; and

WHEREAS, The Kansas Department of Commerce has grant funds available through the CDBG Program to assist property owners in addressing deficiencies on blighted buildings in cooperation with the municipality; and

WHEREAS, Trident Partnerships, LLC, the owner of the building located at 106-110 N. 8th in the City of Independence, wishes to participate in the program.

NOW, THEREFORE, BE IT RESOLVED THAT: The Governing Body of the City of Independence, Kansas hereby declares that the above mentioned building is a blighted structure under the Kansas Urban Renewal Law and that it has the following conditions of blight, decay or environmental contamination:

Dilapidated: roof/guttering, windows, doors, floors, fire escape, and all mechanicals.

and, FURTHERMORE these conditions are detrimental to public health and safety.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE,
KANSAS THIS 22nd DAY OF DECEMBER 2022.

Mayor

ATTEST:

City Clerk

(Seal)

THE CITY OF INDEPENDENCE, KANSAS

RESOLUTION NO. 2022-071

Resolution Certifying Legal Authority
TO APPLY FOR THE 2023 KANSAS
SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
FROM THE KANSAS DEPARTMENT OF COMMERCE
AND AUTHORIZING THE MAYOR
TO SIGN AND SUBMIT SUCH AN APPLICATION

WHEREAS, The City of Independence, Kansas, is a legal governmental entity as provided by the laws of the STATE OF KANSAS, and

WHEREAS, The City of Independence, Kansas, intends to submit an application for assistance from the COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby certifies that the City of Independence, Kansas, is a legal governmental entity under the status of the laws of the STATE OF KANSAS and thereby has the authority to apply for assistance from the KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby authorizes the MAYOR of Independence, Kansas, to act as the applicant's official representative in signing and submitting an application for the assistance to the COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby dedicates \$62,500 in cash funds from the building owner toward this project and \$ 0 in in-kind material and/or labor for same.

APPROVED BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS, this 22nd day of December, 2022.

APPROVED _____
Dean A. Hayse, Mayor

ATTEST _____
David Schwenker, City Clerk

(SEAL)

THE CITY OF INDEPENDENCE, KANSAS

**Residential Anti-displacement and
Relocation Assistance Plan under Section**

**104(d) of the
Housing and Community Development Act of 1974, as Amended**

The jurisdiction will replace all occupied and vacant occupiable low- and moderate-income dwelling units demolished or converted to a use other than as low- moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR Part 570.488.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the City of Independence will make public and submit to the Kansas Department of Commerce the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low- and moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as Section 104(d) replacement dwelling units;
5. The source of funding and a time schedule for the provision of Section 104(d) replacement dwelling units; and
6. The basis for concluding that each Section 104 (d) replacement dwelling unit will remain a low- and moderate- income dwelling unit for at least ten years from the date of initial occupancy.

The jurisdiction will provide relocation assistance, as described in Section 570.488 to each low- and moderate- income household displaced by the demolition of housing or by the conversion of a low- and moderate-income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the act, the jurisdiction will take the following steps to minimize the displacement of persons from their homes:

Based on initial review of project, the following occupied dwellings (by address) will be demolished with grant funds (should contain proposed demolitions):

No occupied dwellings will be demolished with this project.

As chief official of the jurisdiction, I hereby certify that the above plan was officially adopted by the jurisdiction of Independence on the 22nd day of December, 2022.

Signature – Dean A. Hayse, Mayor

Jurisdiction

Date

Kansas Department of Commerce
Community Development Block Grant (CDBG)
Program
1000 S.W. Jackson St., Suite 100
Topeka, KS 66612-1354

DETERMINATION OF LEVEL OF REVIEW

ENVIRONMENTAL REVIEW RECORD (ERR)

Grantee Name & Project Number: City of Independence, TBD

Project Location: 106-110 N. 8th, Independence, KS

Project Description: This project proposes to rehabilitate the 2-story dilapidated commercial building located in the historic district of Independence, KS, including items such as: roof/guttering, windows, doors, masonry repair, fire escape, HVAC, electrical, plumbing, fire suppression, restrooms, and all new interior finishes throughout. The upper story was previously used as apartments with the lower level as commercial space. The use will not change. Multiple funding sources will be utilized including historic tax credits, CDBG, and HUD. The overall project is estimated at \$2,300,000 with CDBG potential contributing \$250,000 and HUD contributing \$500,000 thru the HOPE VI program. Construction is estimated to begin in May/June 2023 with completion anticipated by the end of 2023.

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities," and the following determination with respect to the project is made:

- ☐ Exempt from NEPA review requirements per 24 CFR 58.34(a)(____)
- ☐ Categorical Exclusion NOT Subject to §58.5 authorities per 24 CFR 58.35(b)(_)
- ☒ Categorical Exclusion SUBJECT to §58.5 authorities per 24CFR58.35(a)(3)iii B
- ☐ An Environmental Assessment (EA) is required to be performed.
- ☐ An Environmental Impact Statement (EIS) is required to be performed.

The ERR (see §58.38) must contain all the environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to a particular project. Include additional information including checklists, studies, analyses and documentation as appropriate.

Dean A. Hayse, Mayor Date	Signature
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Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing
and Urban Development

OMB Approval No. 2510-0011 (exp. 11/30/2018)

Instructions. (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

Applicant/Recipient Information

Indicate whether this is an Initial Report ☒

or an Update Report ☐

1. Applicant/Recipient Name, Address, and Phone (include area code): City of Independence, 811 W. Laurel St., Independence, KS 66025, 620-332-2500	2. Social Security Number or Employer ID Number: 48-
3. HUD Program Name Kansas Department of Commerce for Small Cities CDBG Program	4. Amount of HUD Assistance Requested/Received \$250,000
5. State the name and location (street address, City and State) of the project or activity: 106-110 8th Street, Independence, KS	

Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3). ☒ Yes ☐ No	2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD), involving the project or activity in this application, in excess of \$200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9 ☒ Yes ☐ No.
--	---

If you answered "**No**" to either question 1 or 2, **Stop!** You do not need to complete the remainder of this form. **However**, you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(Note: Use Additional pages if necessary.)

Part III Interested Parties. You must disclose:

- All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
- any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds \$50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/Activity	Financial Interest in Project/Activity (\$ and %)
Eschelon Arch + Design		Design	\$25,000/6%
SEKRPC	48-0802869	Administration	\$20,000/5%
MCP Group		Inspection	

(Note: Use Additional pages if necessary.)

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed \$10,000 for each violation.

I certify that this information is true and complete.

Signature: X	Date: (mm/dd/yyyy) 12/22/2022
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STATEMENT OF ASSURANCES AND CERTIFICATIONS

The applicant hereby assures and certifies with respect to the grant that:

- (1) It possesses legal authority to make a grant submission and to execute a community development and housing program.
- (2) Its governing body has duly adopted or passed as an official act a resolution, motion, or similar action authorizing the person identified as the official representative of the grantee to submit the final statement, all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the grantee to act in connection with the submission of the final statement and to provide such additional information as may be required.
- (3) Prior to submission of its application to Commerce, the grantee has met the citizen participation requirements, prepared its application of community development objectives and projected use of funds, and made the application available to the public, as required by Section 104(a)(2) of the Housing and Community Development Act of 1974, as amended, and implemented at 24 CFR 570.486.
- (4) It has developed its final statement (application) of projected use of funds so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight; the final statement (application) of projected use of funds may also include activities that the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available.
- (5) Its chief executive officer or other officer of the grantee approved by Commerce:
 - (a) Consents to assume the status of a responsible federal official under the National Environmental Policy Act of 1969 and other provisions of federal law as specified in 24 CFR 58.1(a);
 - (b) Is authorized and consents on behalf of the grantee and himself/herself to accept the jurisdiction of the federal courts for the purpose of enforcement of his/her responsibilities as such an official; and
- (6) The grant will be conducted and administered in compliance with the following federal and state regulations (see Appendix A: Applicable Laws and Regulations):

- (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), and implementing regulations issued at 24 CFR Part 1;
- (b) Fair Housing Amendments Act of 1988, as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing; and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provision of brokerage services;
- (c) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.602);
- (d) Section 3 of the Housing and Urban Development Act of 1968, as amended; and implementing regulations at 24 CFR Part 135;
- (e) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60;
- (f) Executive Order 11063, as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;
- (g) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations when published for effect;
- (h) The Age Discrimination Act of 1975, as amended, (Pub. L. 94-135), and implementing regulations when published for effect;
- (i) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR 570.488;
- (j) Anti-displacement and relocation plan requirements of Section 104(d) of Title I, Housing and Community Development Act of 1974, as amended;
- (k) Relocation payment requirements of Section 105(a)(11) of Title I, Housing and Community Development Act of 1974, as amended.
- (l) The labor standards requirements as set forth in 24 CFR 570.603 and HUD regulations issued to implement such requirements;
- (m) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;

- (n) The regulations, policies, guidelines and requirements of 2 CFR Part 200 and A-122 as they relate to the acceptance and use of federal funds under this federally assisted program;
 - (o) The American Disabilities Act (ADA) (P.L. 101-336: 42 U.S.C. 12101) provides disabled people access to employment, public accommodations, public services, transportation, and telecommunications;
- (7) The conflict of interest provisions of 24 CFR 570.489 apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or sub recipients which are receiving CDBG funds. None of these persons may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter, and that it shall incorporate or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purpose of this certification;
 - (8) It will comply with the provisions of the Hatch Act that limits the political activity of employee;
 - (9) It will comply with the provisions of 24-CFR-200.
 - (10) It will comply with the lead-based paint requirements of 24 CFR Part 35 Subpart B issued pursuant to the Lead-Based Paint Hazard Elimination Act (42 U.S.C. 4801 et seq.).
 - (11) The local government will not attempt to recover any capital costs of public improvements assisted in whole or in part with CDBG funds by assessing properties owned and occupied by low- and moderate-income persons unless: (a) CDBG funds are used to pay the proportion of such assessment that relates to non CDBG funding or; (b) the local government certifies to the state that, for the purposes of assessing properties owned and occupied by low- and moderate-income persons who are not very low-income, that the local government does not have sufficient CDBG funds to comply with the provision of (a) above.
 - (12) It accepts the terms, conditions, selection criteria, and procedures established by this program description and that it waives any right it may have to challenge the legitimacy and the propriety of these terms, conditions, criteria, and procedures in the event that its application is not selected for CDBG funding.
 - (13) It will comply with the regulations, policies, guidelines, and requirements with respect to the acceptance and use of federal funds for this federally assisted program.

- (14) It will comply with all parts of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited previously as well as with other applicable laws.

The applicant hereby certifies that it will comply with the above stated assurances.

_____ Signature, Chief Elected Official Mayor	_____ Dean A.Hayse Name (typed or printed)
_____ Title	_____ Date

To Whom It May Concern:

As Chief Elected Official of the City of Independence, I hereby certify that I have knowledge of all activities in the above-referenced application. I also certify that I am aware that the regulations of the CDBG program prevent the use of any facility built or rehabilitated with CDBG funds, or any portion thereof, to be used for the conduct of official business. I therefore certify that no portion of the above application violates this regulation.

Mayor

ATTEST:

City Clerk

AGREEMENT FOR CONSULTANT SERVICES

BETWEEN:

TRIDENT PARTNERSHIPS, THE CITY OF INDEPENDENCE, KS, AND THE SOUTHEAST KANSAS REGIONAL PLANNING COMMISSION (SEKRPC) FOR CONSULTANT SERVICES

11/22/2022

THIS AGREEMENT, hereinafter "Agreement", is entered into this ____ of _____, **2022** by and between Trident Partnerships of Topeka, KS ("the Developer"), the City of Independence, KS (the City), and the SEKRPC ("the Consultant"); collectively the ("Parties"), to set out the parties' mutual understanding as to the use of funds provided by the Consultant and paid for by the Developer.

WHEREAS, the City desires to engage in a community improvement project described as the **106 N. 8th Downtown Commercial Rehabilitation** project.

WHEREAS, the project is being funded in part by a 2023 Kansas Small Cities Community Development Block Grant (CDBG), awarded on _____ TBD.

NOW, THEREFORE, the City engages the services of an Administrative Consultant to administer the project based upon the following terms and conditions:

1. UTILIZATION OF CDBG FUNDS

The Administrative Consultant shall be familiar with pertinent Federal and State laws and regulations concerning the administration of projects involving the utilization of Kansas Small Cities Community Development Block Grant funds for the purpose of making community improvements.

II. TERMINATION OF CONTRACT

A. WITHOUT CAUSE

This contract may be terminated by any party, at any time, without cause and upon giving no less than 30 days written notice. If the termination is requested by the developer, any unpaid balance due, pursuant to the terms and condition of Paragraph 8, shall be paid immediately upon written request.

B. FOR CAUSE

Termination for cause shall mean:

- (1.)** The successful completion of the project becomes impractical for any reason; or
- (2.)** A material breach in the performance of the requirements of this Agreement.

Upon the termination of this Agreement for cause, the Administrative Consultant shall be entitled to receive any funds still due and owing pursuant to Paragraph 8, subject to the following terms and conditions. If the termination for cause is a result of the Administrative Consultant's failure to appropriately perform any obligation of this Agreement, the result of which causes the City or Developer to receive a penalty or fine, or incur damages or unanticipated expenses, then the Developer shall have the right to retain sufficient funds to cover the fine, penalty, damages or expenses, including a reasonable attorney's fee.

C. AFTER TERMINATION

In the event of termination of this agreement by either party, all finished or unfinished documents, studies and reports prepared by the Administrative Consultant under this Agreement shall, at the option of the City, become the property of the Developer/City.

III. CHANGES

The City or Developer may, from time to time, request changes in the scope of the services of the Administrative Consultant to be performed hereunder. Such changes, including any increase or decrease in the amount of the Administrative Consultant's compensation, which are mutually agreed upon by and between the Developer (or City) and the Administrative Consultant, shall be incorporated in written amendments to the Agreement.

However, upon completion of the initial FORMAT II Environmental Assessment for the captioned project, the Administrative Consultant shall be entitled to additional compensation if an additional FORMAT II Environmental Assessment(s) shall be required. For each completed additional FORMAT II Environmental Assessment for the captioned project, the Administrative Consultant shall be entitled to an additional amount of \$2,500.

IV. PERSONNEL AND ASSIGNABILITY

- A. The Administrative Consultant complies with, and shall maintain compliance with, the Administrator Certification Requirements established by the Kansas Department of Commerce.
- B. The Administrative Consultant represents that it has, or will secure at its own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of, or have any contractual relationship with, the City.
- C. All of the services required hereunder will be performed by the Administrative Consultant personnel and all such personnel shall be fully qualified to perform such services.
- D. None of the work or services covered by this Agreement shall be subcontracted without the prior written approval of the City/Developer. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Agreement.

V. SERVICES PROVIDED BY THE ADMINISTRATIVE CONSULTANT

Services outlined in this Agreement are those necessary to effectively administer a Kansas Small Cities CDBG project for community improvements. The following summary of services is not intended to limit the scope of services but is intended to illustrate the work and services to be provided by the Administrative Consultant. The services are divided into five phases, which are the Grant Award, Environmental, Preconstruction, Construction and Close-Out.

A. GRANT AWARD

- 1. Prepare the Kansas Small Cities Community Development Block Grant contractual agreement between the Kansas Department of Commerce and the City in accordance with KDOC's Condition Letter.
- 2. Assist the City/Developer in the preparation of the Financial Management Checklist and Signature Forms.
- 3. Prepare the Project Budget.
- 4. Prepare any other documents that KDOC may require from time to time.

B. ENVIRONMENTAL

- 1. Prepare an initial FORMAT II Environmental Assessment in compliance with CDBG Program Requirements.

- a. Upon completion of the initial FORMAT II Environmental Assessment for the captioned project, and in the event that additional FORMAT II Environmental Assessment(s) shall be required, then the Administrative Consultant shall be entitled to additional compensation in the amount of \$2,500 upon completion of each additional FORMAT II Environmental Assessment.
 - b. The Administrative Consultant shall not be required to perform environmental assessment activities that exceed the scope of FORMAT II Environmental Assessment.
 - c. The Administrative Consultant shall assist in developing procurement documents and completing the procurement process for specialized services necessary to complete and EIS or other specialized environmental studies, surveys and/or reports as may be required for the completion of the captioned project.
2. Draft and furnish all legal notices required to meet KDOC's environmental requirements.
 3. Inform and advise the Developer/City staff throughout the environmental review process.
 4. Send to all appropriate agencies the necessary environmental information so that those agencies may review and comment on the CDBG project as part of the environmental review process. Maintain a list of all agencies which received the environmental information.
 5. Conduct, with the City, any hearings that may be necessary.
 6. Prepare the Finding of No Significant Impact public notice.
 7. Prepare the Request for Release of Funds public notice.
 8. Prepare the Environmental Certification Form and the Request for Release of Funds.

C. PRECONSTRUCTION

1. Assist with the preparation and adoption of the required procurement policy and resolution.
2. Assist in the procurement of architectural and/or engineering services, if necessary.
3. Assist in the preparation of those bid documents that are not normally prepared by the engineer or architect.
4. Furnish the required labor, civil rights and other federal regulations to be included with the bid documents.
5. Review bid documents prior to their release for federal compliance.
6. Send notices of the Invitation to Bid to several minority and/or women-owned construction firms.
7. Review legal notices and monitor the bid procedure to assure federal compliance.
8. Attend bid opening and report to the City/Developer.
9. Review all contracts for compliance with CDBG regulations.
10. Notify all necessary parties of the required preconstruction conference, and establish with contractor, Developer, City and other, the date, time and place for the conference.
11. Conduct the portion of the preconstruction conference that concerns CDBG regulations and funding.

12. Prepare all CDBG required notices and forms covering bids, preconstruction conference, contract awards and construction start dates.
13. Perform the duties of Labor Standards Officer.
14. Assist the City in the establishment of a CDBG project filing system.
15. Apply for and furnish Davis-Bacon wage rates for all required construction contracts.
16. Should the City perform any or all engineering/architectural services and/or construction activities with its own employees, the Administrative Consultant will advise and review the procurement of materials, equipment and employee time sheets to help ensure compliance with CDBG regulations.

D. CONSTRUCTION

1. Prepare all requests for CDBG funds (drawdowns) for City action.
2. Prepare the Estimated Cash Disbursements Report required to be submitted along with drawdown requests.
3. Prepare all quarterly Progress Reports for the Developer/City's review and approval.
4. Review all payment requests to assure compliance with the CDBG rules and regulations.
5. Monitor the project site for federal labor standards compliance.
6. Serve as the Developer/City's liaison with KDOC.
7. Attend all KDOC monitoring visits and assist the Developer/City with responses to KDOC compliance letters.
8. Report any major changes in project schedule to the Developer/City that are made known to the Administrative Consultant.

E. CLOSE-OUT

1. Upon completion of the project, prepare the KDOC close-out packet to fulfill the requirements set out by KDOC.
2. Assist in the final inspection of the project.
3. Assist the City in securing a qualified auditing firm, if necessary, that satisfies CDBG regulations.

VI. RECORDS AND AUDITS

The Administrative Consultant shall assist the Developer/City in maintaining CDBG project records, including property and financial records, adequate to identify and account for all costs pertaining to the project to assure proper accounting for all project funds, both Federal and non-Federal shares.

The Administrative Consultant shall assist the Developer/City in developing a financial management system which will comply with the U.S. Office of Management and Budget (OMB) Circular A-102 (Revised).

The City will be responsible for having the records audited by a Certified Public Accountant at the completion of the project. The expense for this audit will be a responsibility of the City. At the discretion of the City, the Administrative Consultant will assist the City in procuring auditing services and with preparing the agreement for such services.

VII. COMPLIANCE WITH LAWS

The Administrative Consultant shall comply with all applicable laws, ordinances and codes of the State and local governments. This includes, but is not limited to:

A. EXECUTIVE ORDER 11246, AS AMENDED

During the performance of this Agreement, the Administrative Consultant agrees to comply with the following Equal Employment Opportunity provisions:

1. The Administrative Consultant will not discriminate against any employee or qualified applicant for employment because of race, creed, sex, color, national origin, or mental or physical handicap. The Administrative Consultant will take affirmative action to ensure that qualified applicants are employed, and that employees are treated during employment without regard to their race, creed, sex, color, national origin, or mental or physical handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Administrative Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provision of this non-discrimination clause.
2. The Administrative Consultant will, in all solicitation or advertisements for employees placed by or on behalf of the Administrative Consultant, state all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, national origin, or physical or mental handicap.
3. The Administrative Consultant will cause the foregoing provision to be inserted in all subcontracts for any work covered by this Agreement so said provisions will be binding upon each subcontractor.
4. The Administrative Consultant will comply with all provisions of the Davis-Bacon Act, and of the rules, regulations and relevant orders of the United States Secretary of Labor.

B. TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

C. SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

No person in the United States shall, on the grounds of race, color, national origin, sex or handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

D. SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

The Administrative Consultant must comply with Section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified individual shall, solely by reasons of his or her handicap, be excluded from participation (including employment), be denied program benefits or be subjected to discrimination under any program or activity receiving Federal funds.

E. AGE DISCRIMINATION ACT OF 1975, AS AMENDED

No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

F. FAIR HOUSING AMENDMENTS ACT OF 1988

The Administrative Consultant shall comply with all provisions of the Fair Housing Amendments Act of 1988, which prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, handicap or familial status.

G. EXECUTIVE ORDER 11063

No person shall, on the basis of race, color, religion, sex or national origin, be discriminated against in regard to housing and related facilities provided with Federal assistance or in lending practices with respect to residential property when such practices are connected with loans insured or guaranteed by the Federal Government.

H. SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968, AS AMENDED

The Administrative Consultant shall, to the greatest extent feasible, provide that opportunities for training and employment shall be given to lower-income residents of the project area, and that contracts, in connection with the project, be awarded to business concerns located in, or owned in substantial part, by residents of the project area.

I. KANSAS ACT AGAINST DISCRIMINATION

The Administrative Consultant shall comply with the provisions of Articles 10 and 11 of the K.S.A. Chapter 44, which prohibits discrimination in employment, public accommodations or housing, on the basis of race, religion, color, sex, physical handicap, national origin or ancestry.

J. COPYRIGHT RESTRICTION

No report, maps or other documents produced in whole or in part under this Agreement shall be subject of an application for a copyright by or on the behalf of the Administrative Consultant.

K. INTEREST OF MEMBERS OF A CITY GOVERNMENT

No members of the governing body of the City and no other officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning and carrying out of this project, shall have any personal financial interest, direct or indirect, in the Agreement, and the Administrative Consultant shall take appropriate steps to insure compliance.

L. INTEREST OF ADMINISTRATIVE CONSULTANT AND EMPLOYEES

The Administrative Consultant covenants that it presently has no interest and shall not acquire interest, direct or indirect, in the project area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of its services hereunder. The Administrative Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed.

M. SECTION 503 OF THE REHABILITATION ACT OF 1973

The Administrative Consultant must comply with Section 503 of the Rehabilitation Act of 1973 and is committed to take affirmative action to employ and advance employment of mentally and physically disabled individuals.

N. SECTION 912 OF THE CRANSTON-GONZALES NATIONAL AFFORDABLE HOUSING ACT OF 1990

The Administrative Consultant must comply with Section 912 of the Cranston-Gonzales National Affordable Housing Act which prohibits discrimination on the basis of religious preference.

O. TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968 (FAIR HOUSING ACT), AS AMENDED

Prohibits discrimination in the sale, rental and financing of dwellings based on race, color, religion, sex or nation origin. Title VIII was amended in 1988 (effective March 12, 1989) by the Fair Housing Amendments Act, which: expanded the coverage of the Fair Housing Act to prohibit discrimination based on disability or on familial status (presence of child under age of 18, and pregnant women); established new administrative enforcement mechanisms with HUD attorneys bringing actions before administrative law judges on behalf of victims of housing discrimination; and revised and expanded Justice Department jurisdiction to bring suit on behalf of victims in Federal district courts.

VIII. FEES

The City on behalf of Trident Partnerships agrees to pay the Administrative Consultant the sum of **Twenty Thousand** Dollars (\$20,000) as the total agreement amount charged for the services outlined in Section V. of this Agreement. As prescribed by the requirements of the Kansas Department of Commerce Small Cities CDBG Program, the City will be billed incrementally for this total Agreement amount as follows:

- \$3,000** upon completion of the grant agreement and banking documents
- \$3,500** upon publication of the Invitation to bid
- \$3,500** upon the first Request for Payment of construction costs.
- \$4,000** when project construction is 50% complete.
- \$4,000** upon the Notice of Substantial Completion and prior to close-out.
- \$2,000** upon submission of the close-out packet after the close-out public hearing.

IX. NON-EXECUTION OF CDBG AGREEMENT

The Developer, City and the Administrative Consultant mutually agree that, in the event that CDBG Agreement # _____ is not executed between the City and the Kansas Department of Commerce, this Agreement will be immediately terminated and that the Developer/City will not be assessed any fees for services performed by the Administrative Consultant in accordance with this Agreement prior to the date of termination.

IN WITNESS WHEREOF, the parties have signed this Agreement the day and year first written above.

CONSULTANT:

**SOUTHEAST KANSAS REGIONAL PLANNING
COMMISSION**

Chairman

ATTEST:

Secretary/Treasurer

CITY:

CITY OF INDEPENDENCE, KANSAS

Mayor

ATTEST:

City Clerk

DEVELOPER:

**TRIDENT PARTNERSHIPS
3321 SW Westover Road, Topeka, KS 66604**

DocuSigned by:



Chris Stemler, Managing Member, Owner
OCA362602425478...

AGREEMENT FOR CONSULTANT SERVICES

BETWEEN:

TRIDENT PARTNERSHIPS, THE CITY OF INDEPENDENCE, KS, AND THE SOUTHEAST KANSAS REGIONAL PLANNING COMMISSION (SEKRPC) FOR CONSULTANT SERVICES

THIS AGREEMENT, hereinafter "Agreement", is entered into this ____ of 11/22/2022 **2022** by and between Trident Partnerships of Topeka, KS ("the Developer"), the City of Independence, KS (the City), and the SEKRPC ("the Consultant"); collectively the ("Parties"), to set out the parties' mutual understanding as to the use of funds provided by the Consultant and paid for by the Developer.

I. RECITALS

Whereas, the Parties wish to enter into a joint agreement for the provision of funds to support the City of Independence, KS with housing development efforts to support an application for FY22 HOPE VI Main Street Grant (HOPE VI) funds offered through the U.S. Department of Housing and Urban Development (HUD) and assistance with the administration of the project, if funded.

Now, Therefore, the Parties agree to the terms described in this Agreement.

II. GENERAL INFORMATION

The Consultant shall be familiar with pertinent Federal and State laws and regulations concerning the administration of projects involving the utilization of HOPE VI funds for the purpose of making housing improvements.

III. TERMINATION OF CONTRACT

A. WITHOUT CAUSE

This contract may be terminated by any party, at any time, without cause and upon giving no less than 30 days written notice. If the termination is requested by the developer, any unpaid balance due, pursuant to the terms and condition of Paragraph 8, shall be paid immediately upon written request.

B. FOR CAUSE

Termination for cause shall mean:

- (1.) The successful completion of the project becomes impractical for any reason; or
- (2.) A material breach in the performance of the requirements of this Agreement.

Upon the termination of this Agreement for cause, the Consultant shall be entitled to receive any funds still due and owing pursuant to Paragraph VIII, subject to the following terms and conditions. If the termination for cause is a result of the Consultant's failure to appropriately perform any obligation of this Agreement, the result of which causes the Developer or City to receive a penalty or fine, or incur damages or unanticipated expenses, then the Developer shall have the right to retain sufficient funds to cover the fine, penalty, damages or expenses, including a reasonable attorney's fee.

C. AFTER TERMINATION

In the event of termination of this agreement by any party, all finished or unfinished documents, studies and reports prepared by the Consultant under this Agreement shall, at the option of the Developer, become the property of the Developer and/or City.

III. CHANGES

The Developer or City may, from time to time, request changes in the scope of the services of the Consultant to be performed hereunder. Such changes, including any increase or decrease in the amount of the Consultant's compensation, which are mutually agreed upon by and between the Developer (or City) and the Consultant, shall be incorporated in written amendments to the Agreement.

IV. PERSONNEL AND ASSIGNABILITY

- A. The Consultant represents that it has, or will secure at its own expense, all personnel required in performing the services under this Agreement. Such personnel shall not be employees of, or have any contractual relationship with, the Developer.
- B. All of the services required hereunder will be performed by the Consultant personnel and all such personnel shall be fully qualified to perform such services.
- C. None of the work or services covered by this Agreement shall be subcontracted without the prior written approval of the Developer. However, any claims for money by the Consultant from the Developer, under this Agreement, may be assigned to a bank, trust company or other financial institution without such approval. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Agreement.

V. SERVICES PROVIDED BY THE CONSULTANT

Services outlined in this Agreement are those necessary to effectively administer a HUD HOPE VI project for housing improvements. The following summary of services is not intended to limit the scope of services but is intended to illustrate the work and services to be provided by the Consultant. The services are divided into two phases, which consist of Pre-Award activities and Post-Award activities as outlined below.

A. PRE-AWARD

a. APPLICATION PREPARATION

The Consultant shall assist with the development of the project and application preparation consisting of, but not limited to:

1. Planning/Scheduling to meet all necessary deadlines.
2. Development of full project scope of work.
3. Assist with preparation of Project Budget Estimates.
4. HOPE VI application preparation and submittal.

B. POST AWARD

If the project is awarded through the HUD HOPE VI program, administration services during the life of the grant will be in coordination with the City of Independence and the Developer. Fees for these services are described below and are the sole responsibility of the Developer.

a. GRANT AWARD

1. Assist with the executive of the HOPE VI grant contractual agreement between the HUD and the City in accordance with HUDs Condition Letter, if utilized.
2. Assist the City in the preparation of the Financial Management Checklist and Signature Forms.
3. Prepare any other documents that HOPE VI may require from time to time.

b. FINANCIAL MANAGEMENT

1. Prepare a financial management system to ensure accurate tracking and reporting of all funds.
2. Preparation of pay requests including supporting documentation of funds being requested
3. Maintain accurate project ledger throughout life of the grant.

c. REPORTING REQUIREMENTS

1. Prepare monthly status reports including, but not limited to:
 - a. Use of funds to date
 - b. Comparison of use of funds with that presented in the application
 - c. Evaluation of housing activities to date
 - d. Status of construction
 - e. Reason for any changes in the activities
2. Final accounting of all funds including any income generated from housing activities.

d. HOUSING ACTIVITIES

1. If required, assist with purchase/sale of property paperwork including, but not limited to:
 - a. Title work, preparation of mortgage ppwk, insurance certificates, deed restrictions
 - b. Compliance with all required codes
 - c. Income verification and tracking during life of the grant
2. Assist with procurement of contracting services including, but not limited to:

- a. Preparing Invitation for Bids (IFB)
 - b. Advertising IFBs
 - c. Bid Openings
 - d. Contract Award
- 3. Preparation of contract agreements
- 4. Project oversight
- 5. Assist with final inspection.
- e. **CLOSE-OUT**
 - 1. Upon completion of the project, prepare the required close-out paperwork to fulfill the requirements set out by HUD.
 - 2. Assist in the final inspection of the project.
 - 3. Assist the City in securing a qualified auditing firm, if necessary, that satisfies HUD regulations.

VI. RECORDS AND AUDITS

The Consultant shall assist the City in maintaining HUD project records, including property and financial records, adequate to identify and account for all costs pertaining to the project to assure proper accounting for all project funds, both grant and non-grant shares.

The Consultant shall assist the City in developing a financial management system which will comply with the U.S. Office of Management and Budget (OMB) Circular A-102 (Revised).

The City will be responsible for having the records audited by a Certified Public Accountant at the completion of the project, if required. The expense for this audit will be a responsibility of the City. At the discretion of the City, the Consultant will assist the City in procuring auditing services and with preparing the agreement for such services.

VII. COMPLIANCE WITH LAWS AND REGULATIONS

The Consultant shall comply with all applicable laws, ordinances, and codes of the Federal and Local Governments. This includes, but is not limited to the rules and restrictions, as stated in Funding Opportunity Number FR-6600-N-03.

VIII. FEES

A. PRE-AWARD FEE

At the conclusion of all project development activities, preparation of budget estimates, project scope of work, and application preparation and submittal, the fee incurred will be:

a. \$2,500

B. POST-AWARD FEE (GRANT ADMINISTRATION)

Upon grant award, the fees incurred for grant administration activities outlined above will be a sum of Twenty-Five Thousand Dollars (\$25,000), billed incrementally as follows:

\$5,000 60 days after grant award
\$5,000 upon beginning of construction
\$5,000 upon 50% of construction completion
\$5,000 upon completion of construction of project
\$5,000 upon completion of grant close out

If the grant is not awarded, the Post-Award Fee of \$25,000 is null and void. All fees are the responsibility of the Developer.

IN WITNESS WHEREOF, the Parties have signed this Agreement the day and year first written above.

CONSULTANT:

**SOUTHEAST KANSAS REGIONAL PLANNING
COMMISSION
20 S. Highland, Chanute, KS 66720**

CITY:

**CITY OF INDEPENDENCE, KANSAS
811 W. Laurel St., Independence, KS
67301**

Commission Chair

Mayor

ATTEST:

ATTEST:

Secretary/Treasurer

City Clerk

DEVELOPER:

**TRIDENT PARTNERSHIPS
3321 SW Westover Road, Topeka, KS 66604**

DocuSigned by:



Chris Stemler, Managing Member, Owner

0CA362602425478...



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider change order for the City Hall project

SUMMARY RECOMMENDATION City staff recommends approving the change orders

BACKGROUND City Staff has been working with TreanorHL and McCownGordon as the project progresses at City Hall.

Changes to Wood Frame Trim:

The majority of the cost is the change made to the W06 (courtroom frame) for the double acoustical glazing.

- At W05 – Trim was added and deleted to work with ceiling heights and ballistic glazing.
- At frame W06 - Add wood parting stops at sidelite panels to accommodate acoustical double glazing.

Changes to Millwork:

These are the general items.

- Basement Quartermaster Room – Added 2nd row of shelving/closet rod to two walls.
- 2nd Floor Breakroom – Modification of millwork cabinets to incorporate icemaker.
- 1st Floor Admin work/mail and the Police work/mail – Modifications to the cabinets to accommodate department's different needs.
- 1st Floor Dispatch Breakroom – Added wall cabinets above lockers for additional storage of emergency supplies.

Door Hardware:

- Added (2) doors and frames to 2nd Floor Police to separate the detectives/interview room for added security.
Changed (3) doors and frames on 1st Floor from aluminum sliding doors/frames to hollow metal frames with swing wood doors to match the rest of building interior doors/frames/finishes and simplify door hardware/be standard with other offices.
Eliminate (1) hollow metal door and frame on 1st Floor to simplify egress/control functionality.

The total cost of these change orders from contingency is \$15,927.28

FINANCIAL INFORMATION City contingency funds will be used to cover these expenses. The current balance of contingency is \$256,941.71

SUGGESTED MOTION I move to approve change orders in the amount of \$15,927.28

SUPPORTING DOCUMENTS

1. COR 26 Wood Trim Changes
2. COR 27 Millwork Changes
3. 1-07-1388-Independence_City_Hall_Fire_EMS_Add_n_Remodel-012-CE_019-CH-PR-001-2022-12-15

McCownGordon
255 N. Mead, Suite #200
Wichita, Kansas 67202
Phone: (316) 202-5611
Fax: (316) 221-1021

Project: 1-07-1388 - Independence City Hall & Fire/EMS Add'n/Remodel
120 N 6th St (City Hall)900 Block of Myrtle St (Fire/EMS)
Independence, Kansas 67301

DRAFT

Prime Contract Change Order Request #026: CE #070 - Changes to wood trim

TO:	City of Independence Kansas 811 W. Laurel St. Independence, Kansas 67301	FROM:	McCownGordon Construction, LLC 850 Main Street Kansas City, Missouri 64105
CHANGE ORDER REQUEST NUMBER / REVISION:	026 / 0	PRIME CONTRACT CHANGE ORDER:	None
STATUS:	Draft	CREATED BY:	Brandon Brinker (McCownGordon - Wichita)
SCHEDULE IMPACT:		DATE CREATED:	12/1/2022
EXECUTED:	No	SIGNED CHANGE ORDER RECEIVED DATE:	
		TOTAL AMOUNT:	\$0.00

CHANGE ORDER REQUEST TITLE: CE #070 - Changes to wood trim

CHANGE ORDER REQUEST DESCRIPTION:

CE #070 - Changes to wood trim

Changes to W05 (frame 101A): Delete all stop at ballistic glazing. Delete head casing and back band at Admin 101 side.

Add head trim at Admin 101 side.

Changes to W06 (frame 121A-121B): Add 5/8" x 1-1/2" S4S plain sawn red oak parting stop at all sidelite and transom lite openings to accommodate double glazing.

ATTACHMENTS:

[Change Order Request for Wood Frames.docx](#)

POTENTIAL CHANGE ORDERS IN THIS CHANGE ORDER REQUEST:

PCO #	Contract Company	Title	Schedule Impact	Amount
030	City of Independence Kansas	CE #070 - Changes to wood trim		\$0.00
Total:				\$0.00

CHANGE ORDER REQUEST LINE ITEMS:

PCO # 030: CE #070 - Changes to wood trim

#	Budget Code	Description	Amount
1	CH.8-20002.S City Hall Main Job.DFH Bid - Topeka Foundry.Subcontractor	Wood Trim Changes	\$1,722.00

#	Budget Code	Description	Amount
2	CH.80-10007.C City Hall Main Job.Owner Contingency.Contingency	Owner Contingency	\$(1,722.00)
Subtotal:			\$0.00
General Liability (0.95% Applies to Fee, Contingency, Labor Overtime, Labor, Subcontractor, and Material.):			\$0.00
Builders Risk (0.35% Applies to Material, Subcontractor, Labor, Labor Overtime, Fee, and Contingency.):			\$0.00
Bonds (0.90% Applies to Material, Subcontractor, Labor, Labor Overtime, Fee, and Contingency.):			\$0.00
Subguard (0.00% Applies to Subcontractor.):			\$0.00
Warranty (0.50% Applies to Fee, Contingency, Labor Overtime, Labor, Subcontractor, and Material.):			\$0.00
Fee (2.25% Applies to Fee, Contingency, Labor Overtime, Labor, Subcontractor, and Material.):			\$0.00
Construction Contingency (2.50% Applies to Fee, Contingency, Labor Overtime, Labor, Subcontractor, and Material.):			\$0.00
Grand Total:			\$0.00

Chris Birkenmaier (TreanorHL - Topeka)
719 SW Van Buren St., Suite 200
Topeka, Kansas 66603

City of Independence Kansas
811 W. Laurel St.
Independence, Kansas 67301

McCownGordon Construction, LLC
850 Main Street
Kansas City, Missouri 64105

SIGNATURE **DATE**

McCownGordon

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McCownGordon
255 N. Mead, Suite #200
Wichita, Kansas 67202
Phone: (316) 202-5611
Fax: (316) 221-1021

Project: 1-07-1388 - Independence City Hall & Fire/EMS Add'n/Remodel
120 N 6th St (City Hall)900 Block of Myrtle St (Fire/EMS)
Independence, Kansas 67301

DRAFT

Prime Contract Change Order Request #027: CE #069 - Millwork Changes

TO:	City of Independence Kansas 811 W. Laurel St. Independence, Kansas 67301	FROM:	McCownGordon Construction, LLC 850 Main Street Kansas City, Missouri 64105
CHANGE ORDER REQUEST NUMBER / REVISION:	027 / 0	PRIME CONTRACT CHANGE ORDER:	None
STATUS:	Draft	CREATED BY:	Brandon Brinker (McCownGordon - Wichita)
SCHEDULE IMPACT:		DATE CREATED:	12/1/2022
EXECUTED:	No	SIGNED CHANGE ORDER RECEIVED DATE:	
		TOTAL AMOUNT:	\$0.00

CHANGE ORDER REQUEST TITLE: CE #069 - Millwork Changes

CHANGE ORDER REQUEST DESCRIPTION:

CE #069 - Millwork Changes

Changes to millwork in ASI-01 and through the submittal process. Does not change kitchen island.

ASI-01 changes:

Rm 004: Reconfiguration of PLAM base cabinets, deduct wood base cabinets
Rm 005: Reconfiguration of cabinet locks
Rm 009: Add PLAM shelving & closet rods
Rm 101: Reconfiguration of wood upper cabinets
Rm 102: Reconfiguration of wood tall & base cabinets
Rm 131: Reconfiguration of PLAM upper cabinets
Rm 135: Reconfiguration of PLAM base cabinet
Rm 145: Add PLAM upper cabinets
Rm 210: Reconfiguration of wood upper & base cabinets, reconfiguration of cabinet locks

Submittal changes:

Rm 101: add wood legs, deduct brackets
Rm 131,135: change wood cabinets to PLAM

ATTACHMENTS:

[INDEPENDENCE CITY HALL RENOVATION-CO4 REV \(2\)3\[2\].pdf](#) , [INDEPENDENCE CITY HALL RENOVATION-CO2 REV \(2\)\[1\].pdf](#)

POTENTIAL CHANGE ORDERS IN THIS CHANGE ORDER REQUEST:

PCO #	Contract Company	Title	Schedule Impact	Amount
031	City of Independence Kansas	CE #069 - Millwork Changes		\$0.00
Total:				\$0.00

CHANGE ORDER REQUEST LINE ITEMS:

PCO # 031: CE #069 - Millwork Changes

#	Budget Code	Description	Amount
1	CH.6-40001.S City Hall Main Job.Millwork Bid - Timberline.Subcontractor	ASI-01 Changes	\$3,753.00
2	CH.6-40001.S City Hall Main Job.Millwork Bid - Timberline.Subcontractor	Submittal Changes	\$122.00

#	Budget Code	Description	Amount
3	CH.80-10007.C City Hall Main Job.Owner Contingency.Contingency	Owner Changes	\$(3,942.81)
Subtotal:			\$(67.81)
General Liability (0.00% Applies to Fee, Contingency, Labor Overtime, Labor, Subcontractor, and Material.):			\$0.00
Builders Risk (0.00% Applies to Material, Subcontractor, Labor, Labor Overtime, Fee, and Contingency.):			\$0.00
Bonds (0.00% Applies to Material, Subcontractor, Labor, Labor Overtime, Fee, and Contingency.):			\$0.00
Subguard (1.75% Applies to Subcontractor.):			\$67.81
Warranty (0.00% Applies to Fee, Contingency, Labor Overtime, Labor, Subcontractor, and Material.):			\$0.00
Fee (0.00% Applies to Fee, Contingency, Labor Overtime, Labor, Subcontractor, and Material.):			\$0.00
Construction Contingency (0.00% Applies to Fee, Contingency, Labor Overtime, Labor, Subcontractor, and Material.):			\$0.00
Grand Total:			\$0.00

Chris Birkenmaier (TreanorHL - Topeka)
719 SW Van Buren St., Suite 200
Topeka, Kansas 66603

City of Independence Kansas
811 W. Laurel St.
Independence, Kansas 67301

McCownGordon Construction, LLC
850 Main Street
Kansas City, Missouri 64105

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McCownGordon
255 N. Mead, Suite #200
Wichita, Kansas 67202
Phone: (316) 202-5611
Fax: (316) 221-1021

Project: 1-07-1388 - Independence City Hall & Fire/EMS Add'n/Remodel
120 N 6th St (City Hall)900 Block of Myrtle St (Fire/EMS)
Independence, Kansas 67301

Prime Contract Change Order Request #029: CE #018 - CH - ASI-002

TO:	City of Independence Kansas 811 W. Laurel St. Independence, Kansas 67301	FROM:	McCownGordon Construction, LLC 850 Main Street Kansas City, Missouri 64105
CHANGE ORDER REQUEST NUMBER / REVISION:	029 / 0	PRIME CONTRACT CHANGE ORDER:	None
STATUS:	Pending - Proceeding	CREATED BY:	Brandon Brinker (McCownGordon - Wichita)
SCHEDULE IMPACT:	4 days	DATE CREATED:	12/15/2022
EXECUTED:	No	SIGNED CHANGE ORDER RECEIVED DATE:	
		TOTAL AMOUNT:	\$0.00

CHANGE ORDER REQUEST TITLE: CE #018 - CH - ASI-002

CHANGE ORDER REQUEST DESCRIPTION:

CE #018 - CH - ASI-002
ASI-002 per the attached documents and below.

1. Specification Section 087100 Door Hardware – replace section, as shown.
2. Sheet A101/A1: Deleted double egress doors 110B and associated walls, as shown.
3. Sheet A102/A1: Updated dimensions and door swing changes, as shown.
4. Sheet A151/A1:
 - a. Delete gyp. bd. ceilings above deleted double egress doors 110B, updated pendant lighting dims in Hall 110A, as shown.
 - b. Shortened gyp. bd. ceiling and adjusted can light dimensions in restroom hallway 110B, as shown.
5. Sheet A401/A1: Change partition type from A3a to A6a (to accommodate recessed elec. panels) and updated dims, as shown.
6. Sheet A501/A2 & B1: Deleted walls associated with double egress door, as shown.
7. Sheet A601/: Door Schedule: Updated door hardware set numbers and deleted door 110B, as shown.
8. Sheet A700/ Interior Finish Schedule: Updated CPT1 & CPT2 products and corrected RBF1 tile size, as shown.
9. Sheet A721/D5: Updated elevation to reflect deletion of double egress doors and ceiling drop, as shown.
10. Sheet E106/1: Delete elec. support for deleted card reader (CR) in Hall 110A, as shown.
11. Sheet E202/1: Delete two (2) exit lights in Hall 110A, as shown.
12. Sheet FA102/1: Delete door hold opens and one (1) smoke detector in Hall 110A, as shown.

ATTACHMENTS:

[ASI-02 Original Hardware Quote.msg](#) , [_ASI-02 Electrical.msg](#) , [_ASI-02 Drywall.pdf](#) , [_ASI-02 REVISED Finished Hardware Quote.docx](#) , [_CH-ASI 02 \(4\).pdf](#)

POTENTIAL CHANGE ORDERS IN THIS CHANGE ORDER REQUEST:

PCO #	Contract Company	Title	Schedule Impact	Amount
011	City of Independence Kansas	CE #018 - CH - ASI-002	4 days	\$0.00
Total:				\$0.00

CHANGE ORDER REQUEST LINE ITEMS:

PCO # 011: CE #018 - CH - ASI-002

#	Budget Code	Description	Amount
1	CH.8-81001.S City Hall Main Job.Glass & Glazing - Binswanger.Subcontractor	ASI-002 Glazing	\$0.00

#	Budget Code	Description	Amount
2	CH.8-20002.S City Hall Main Job.DFH Bid - Topeka Foundry.Subcontractor	ASI-002 Door Frames and associated Hardware	\$5,716.00
3	CH.9-25001.S City Hall Main Job.Drywall Sub -Danny Satterfield.Subcontractor	ASI-002 Framing and Sheetrock	\$(875.00)
4	CH.9-68001.S City Hall Main Job.Carpet & Tile Bid - Stuart.Subcontractor	ASI-002 Flooring	\$0.00
5	CH.16-05001.S City Hall Main Job.Electrical - Kelly Electric.Subcontractor	ASI-002 Electrical	\$(300.00)
6	CH SP.8-71001.L City Hall Self Perform.Door Hardware.Labor	ASI-002 Labor	\$0.00
7	CH.1-05004.L City Hall Main Job.Project Manager.Labor	ASI-002 Estimating and GC's	\$5,642.00
8	CH.80-10007.C City Hall Main Job.Owner Contingency.Contingency	Owner Contingency	\$(10,262.47)
Subtotal:			\$(79.47)
General Liability (0.00% Applies to Fee, Contingency, Labor Overtime, Labor, Subcontractor, and Material.):			\$0.00
Builders Risk (0.00% Applies to Material, Subcontractor, Labor, Labor Overtime, Fee, and Contingency.):			\$0.00
Bonds (0.00% Applies to Material, Subcontractor, Labor, Labor Overtime, Fee, and Contingency.):			\$0.00
Subguard (1.75% Applies to Subcontractor.):			\$79.47
Warranty (0.00% Applies to Fee, Contingency, Labor Overtime, Labor, Subcontractor, and Material.):			\$0.00
Fee (0.00% Applies to Fee, Contingency, Labor Overtime, Labor, Subcontractor, and Material.):			\$0.00
Construction Contingency (0.00% Applies to Fee, Contingency, Labor Overtime, Labor, Subcontractor, and Material.):			\$0.00
Grand Total:			\$0.00

Chris Birkenmaier (TreanorHL - Topeka)
 719 SW Van Buren St., Suite 200
 Topeka, Kansas 66603

City of Independence Kansas
 811 W. Laurel St.
 Independence, Kansas 67301

McCownGordon Construction, LLC
 850 Main Street
 Kansas City, Missouri 64105

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**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Police

Director Approval Jerry Harrison

AGENDA ITEM Consider electrical repairs for the Evidence Building.

SUMMARY RECOMMENDATION City staff recommends approving electrical repairs to connect the Evidence Building generator to the Evidence Building vital circuits in accordance with current building code.

BACKGROUND There is a generator currently installed in the Evidence Building. It was originally installed when Independence EMS was stationed at the site. Any work with the generator is outside the original scope of the project. The contractor has had the generator inspected and serviced (oil and filter change, air filter change, and a new battery installed). The electrician reported that the generator is adequate for the needs of the Evidence Building. However, the wiring is not to the current code and needs to be replaced and a disconnect needs to be added. The cost is \$2,875.

The electrician informed city staff a new generator would cost significantly higher and the wiring and disconnect would still need to be replaced. The total rough estimate for a new generator purchase, install, and the work and materials required to meet current code is approximately \$15,000.

City staff believe that due to the significant increase in cost of purchasing a new generator and the necessity to update the installation components to current code, it is better to fund the required repairs and rely on the generator already on-site.

FINANCIAL INFORMATION The total cost is \$2,875.00. The funding will come from the police department's building maintenance, general operating budget.

SUGGESTED MOTION I move to authorize the work necessary to bring the Evidence Building generator up to the current code.

SUPPORTING DOCUMENTS

1. Generator Repair Quote



Decker Construction, Inc.

GENERAL CONTRACTORS

1215 E. 8th, PO Box 254

Coffeyville, KS 67337

(620) 251-7693

FAX (620) 251-6825

P R O P O S A L

December 15, 2022

Independence Police Department

811 W. Laurel

Independence, KS 67301

Attn.; Mr. Jerry Harrison

RE: Independence Evidence Storage – Generator rewire and maintenance

Decker Construction Inc., Proposes to provide all Labor, Equipment and Materials to service (oil change, oil filter, air filter), install a new battery, add a disconnect and rewire the current generator as needed to meet current codes.

TOTAL - \$ 2,875.00 Excludes Sales Tax

Sincerely,

Jason A. McVey, LEED AP, CPC

Decker Construction Inc.



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Finance

Director Approval Lacey Lies

AGENDA ITEM Consider approving additional funding for the Downtown Building Grant

SUMMARY RECOMMENDATION Approve additional program funding.

BACKGROUND To meet the 2022 budget versus grant request shortfalls and 2023 projected grant requests, the Economic Development Advisory Board recommends reallocating the remaining \$47,974 in the 2022 Economic Development budget to the Downtown Building Grant program. In addition, the board recommends transferring \$50,000 from the Incubator Building fund to the Economic Development fund, to increase funding for the 2023 Downtown Building Grant program. Funding would be as follows:

2022 Funding - increase by \$10,614 to fulfill the gap in program funding for Trident Partnerships

2023 Funding –

Original Budget	\$50,000
From 2022 Eco/Devo	\$37,360
<u>From Incubator Fund</u>	<u>\$50,000</u>
Total 2023 Funding	\$137,360

FINANCIAL INFORMATION 2022 Economic Development budgeted funds available: \$47,974; Incubator Funds available \$109,000, recommended transfer \$50,000

SUGGESTED MOTION I move to increase program funding for the Downtown Building Grant as recommended.

SUPPORTING DOCUMENTS



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider approval of Downtown Building Grants.

SUMMARY RECOMMENDATION City staff recommends approval of building grants

BACKGROUND Trident Partnerships has applied for three building renovations to occur in the Downtown Historic District and will apply for two more buildings in January 2023 for a total of five buildings. Trident Partnership is investing over 10 million dollars in downtown upper-story apartments and retail business space in our Historic Downtown. The Downtown Building Grant committee met on December 08, 2022 and discussed the applications. The City currently has \$64,386.36 in building grant funds available. It was the recommendation of the committee to request approval of \$64,386.36 for these three applications. In addition, the committee took a request to the Economic Development Advisory Board to consider recommending additional funding to Trident Partnerships LLC's 2022 applications, to fill the gap of \$10,613.64, for a total of \$75,000.

FINANCIAL INFORMATION Approval of \$64,386.36 in funding is currently available in the Downtown Building Grant fund. The Economic Development Advisory Board has recommended additional funding to the Downtown Building Grant program.

SUGGESTED MOTION

1. I move to approve \$75,000 total in downtown building grant funds for 120 N. 8th, 208 N. 8th and 221 W. Main Street. **or**
2. I move to approve \$64,386.36 total in downtown building grant funds for 120 N. 8th, 208 N. 8th and 221 W. Main Street.

SUPPORTING DOCUMENTS

1. Grant app + docs 120 N. 8th
2. Grant App + docs 208 N. 8th
3. Grant app + docs 221 W. Main
4. City Downtown Building Grant Funds



DOWNTOWN INDEPENDENCE BUILDING GRANT

The Downtown Independence Building Grant Program is established for the sole purpose of aiding in the preservation of the structural integrity of existing commercial buildings located within the Central Business District of the City of Independence to maintain the economic stability of the Central Business District. This grant provides a 25% reimbursement for eligible expenses with a maximum funding of \$25,000 per building.

Neighborhood Revitalization District

To take part in the Downtown Independence Building Grant Reimbursement Program, a property must be located in a Neighborhood Revitalization District.

Eligibility

To qualify to participate in the Downtown Independence Building Grant Program, applicants must meet the following:

- The property must be located within the designated Central Business District
- Applicant must provide proof of ownership
- The property's real estate taxes must be paid and current.
- City utility bills must be current on all properties in the applicants name or ownership.
- Applicant must provide proof of adequate property insurance on the property
- Applicant may only have one open application at a time
- The improvements must meet Independence city code and applicable building codes.
- The improvement must not be paid for using an insurance settlement or other governmental funding.
- Minimum exterior inspection requirements must be met. If an applicant fails an item at inspection, said item must be corrected prior to application approval or must be addressed within proposed improvements (see Inspection document for details).

Eligible Improvements/costs include:

- Electrical upgrade to include breaker box, wiring and receptacles.
- Electrical Meter Service and disconnect upgrades
- Plumbing service line replacement and interior plumbing
- Fire Sprinkler installation (does not cover design and plan development)
- Façade restoration (tuckpointing)
- Masonry
- Window and exterior door repair or replacement (condition warrants need, cosmetic improvements are not reimbursable)
- Gutters
- Exterior electrical work related to service entrance code compliance or safety
- Roofs (condition warrants need, cosmetic improvements are not reimbursable)
- Footings and foundation
- Flooring structural systems (not floor coverings or underlayment)
- Load bearing or structurally necessary walls, partitions, or other vertical support
- Ceiling structure support, roof and/or ceiling – roof supports or other horizontal structures
- Actual material and installation costs



Ineligible Improvements/costs include:

- Cosmetic improvements where condition does not directly contribute to the need of the improvement
- Restructuring or remodeling
- Exterior painting
- Contractor profit and overhead, bond and insurance costs
- Sweat equity
- Design and inspection costs
- Any work completed prior to final application approval

Note, the City reserves the right to determine if a proposed improvement meets program requirements.

How to Apply and Program Process/Compliance

- The City will start accepting applications on an ongoing basis
- Grant money will be distributed on a first come, first served basis until all funding is appropriated.
- Applications can be emailed to davidc@independenceks.gov or received at City Hall, 811 W. Laurel St., Independence, KS, 67301. Attn: Downtown Independence Building Grant Application
- Upon receipt of application, City Staff will contact the applicant for review of the application and proposed work.
- Buildings will require a minimum exterior inspection; all building codes, ordinance and other applicable regulations for Central Business District must be met. A written report will be provided to the review committees.
- After a complete application is received, a 45-day review period will commence for review by the following committees. Each committee shall provide a written recommendation after review.
 - CBDDB Grant Program Committee
 - City Manager
 - Assistant City Manager – Chair
 - Director of Finance
 - Housing Authority Director (non-voting)
 - Economic Development Advisory Board Representative (non-voting)
 - Building Inspector (non-voting)
 - Main Street Director (non-voting)
 - Independence Historic Preservation & Resource Commission
- Following approval from abovementioned review committees, applications will go before the Commission for final approval at the next regular commission meeting
- A scope and timeline of work must be submitted to the Building Department within 90 days of notification of approval
- Projects must be completed within 6 months after a building permit is issued. One 6-month extension may be granted with written approval prior to the initial 6-month deadline.
- Contractor(s) utilized to perform improvements must have a current Independence Occupational license, and if appropriate professional license.
- City staff will perform a monthly review of the project and provide written/photographic documentation.
- City staff shall have the right of entry with 24-hour notice, or immediately if imminent danger is present
- All building codes and ordinances will be adhered to during the duration of the project.
- Applicant will provide documentation from a structural engineer that certifies any work relating to the



structural integrity of the building was properly completed.

- Applicant shall be responsible for all safety conditions and compliance with all federal, state, and local laws.
- Any design/scope changes after initial approval must be submitted to the Building Inspector and go through the committee review and commission approval process.
- Failure to obtain approval for the change order could make changes ineligible for funding.



DOWNTOWN INDEPENDENCE BUILDING GRANT

To be completed by the applicant:

Owner of Record (must be applicant): Chris Stemler-Trident Partnerships

Phone: (785)438-7311

Email: christopher@tridentpartnerships.com

Mailing Address: 3321 SW Westover Rd

Property Address: 120 N. 8th

Topeka, KS 66604

Independence, KS 67301

Description of Proposed Improvements:

Full building remodel interior and exterior. Commercial storefront on first floor and residential units on upper story

Estimated Total Cost of Improvements: \$ 1,521,593.00

Estimated Cost of Eligible Improvements: \$ _____ Grant Funding Requested: \$ 25,000.00

Anticipated Project Start Date: 1/1/23

Anticipated Project Completion Date: 12/31/23

Required supplemental documentation:

☒ Detailed breakdown of estimated project expenses, including non-eligible work

☒ Bids/Quotes/Estimates to support estimated project cost.

☐ Architectural/Engineer stamped drawings and Contractor drawings and description of work

☐ Contact Information for lending institution, if financed by a loan

☒ Copy of current insurance policy

☒ Property Tax Statement

Architect / Engineer / Contractor Information:

Contact: Miranda Bruening Phone: 620-205-8487 Email: miranda@echelonad.com

Business Name: Echelon Arch + Design City License: # _____ Services: Architectural

Contact: Pat Tolin Phone: (785)260-6639 Email: PatT@theMCPGROUP.com

Business Name: MCP Group City License: # _____ Services: Contracting

By agreeing to participate in this program, the applicant or their architects, engineers, contractors, or others will not seek to hold the City or their agents, employee, officers, and/or Commissioners liable for any property damage, personal injury, or other loss related in any way to the Downtown Independence Building Grant Program.

By signing below, I agree to the participate in the program as outlined, to provide all required information and verifications of work, and to maintain the property and improvements, including, but not limited to promptly removing graffiti, sweeping, and shoveling in front of the property. I certify that to the best of my knowledge all the information provided is truthful and factual. I understand that by participating in this Program, I give my consent for City staff to enter my property to make inspections related to the program and that photos taken of my property can be used in City promotional materials. Monies granted through this program will be reported on IRS Form 1099-G.

Signature of applicant (owner): _____ Date: ____/____/____

Applications may be emailed to: davidc@independenceks.gov or sent to:
City Hall, 811 W. Laurel St., Independence, KS, 67301. Attn: CBDCEB Grant Application

FOR CITY OFFICE USE BELOW

___ Improvements are Eligible for Grant

___ Real Estate Taxes Current ___ City Bills Current

___ Required Supplemental Documentation Received

___ Before Pictures Taken

___ Funding Available

___ Building Permit Required (Yes/No) ___ Building Permit Issued Permit No. _____

Initial Inspection of Property/Project: ____/____/____ See Attached Inspection Sheet

Application Approval Date: ____/____/____ Approved By: _____

Project Completion Date: ____/____/____ Reviewed By: _____

Program Close-Out Documentation

___ After Pictures Taken

___ Improvements Meet City Code and Building Requirements

___ Receipts Received (50% Completion) Date: ____/____/____

Amount: \$ _____ Payment (25%): \$ _____ By: _____

___ Receipts Received (100% Completion) Date: ____/____/____

Amount: \$ _____ Payment (25%): \$ _____ By: _____

Information contained in this document will be confidential and only used for the purpose of granting the application.



Contact: Russ Redford Phone: (316)684-9600 Email: rredford@mkec.com

Business Name: MKEC Engineering City License: # Services: Structural Engineering

Contact: Scott McKinley Phone: (785)273-2447 Email: scott.mckinley@pkmreng.com

Business Name: PKMR Engineering City License: # Services: MEP Engineering

CONCEPTUAL BUDGET

120 N 8th Street Booth Foundation Building

Estimator |

Brian Murphy

Date |

11/9/2022

DIVISION	DESCRIPTION	COST
Division 1	Site Supervision	\$123,915
	Project Management	\$13,493
Division 2	Site Conditions	\$89,519
Division 3	Concrete	\$1,875
Division 4	Masonry	\$65,000
Division 5	Steel	\$22,006
Division 6	Carpentry	\$159,303
Division 7	Thermal and Moisture Protection	\$130,380
Division 8	Doors and Windows	\$156,945
Division 9	Finishes	\$132,485
Division 10	Specialties	\$19,550
Division 11	Equipment	\$12,150
Division 12	Furnishings	\$20,525
Division 13	Special Construction	\$0
Division 14	Conveying Systems	\$0
Division 21	Fire Suppression	\$33,310
Division 22	Plumbing	\$53,000
Division 23	HVAC	\$74,000
Division 26	Electrical	\$94,040
Division 31	Sitework	\$9,678
Division 32	Site Improvements	\$9,000
Division 33	Site Utilities	\$48,500
	General Conditions	
	Schedule and PM Software	\$12,494
	Safety	\$3,961
	Field Office	\$6,263
	Temporary Toilets	\$2,100
	Plans and Printing	\$1,500
Subtotal Construction Costs		\$1,294,991
General Liability Insurance		\$10,713
Contractor Overhead		\$38,781
Contractor Fee		\$38,781
Total Construction Costs		\$1,383,266
Estimating Contingency 10%		\$138,327
Total Construction Costs w/Contingency		\$1,521,593

EXECUTIVE SUMMARY

Plans Dated	10/19/2022
Plans Titled	Booth Foundation Building
Sales Tax Rate:	9.50%
Site Sq. Ft.	N/A
Building Sq. Ft.	9,517
Total Units 3 living 2 retail	5
Cost per Sq. Ft.	\$159.88
Cost per Unit	\$304,319
Construction Duration	6 Months
Anticipated Construction Start	1st Q 2023

STANDARD EXCLUSIONS

Permit Fees	Development Fees + Permits
Tap Fees	Utility Company Fees
Meter Fees	Utility Usage Fees
Design Fee	Hazardous Material Abatement
Shoring	Dry/Wet Utility Extensions
Signage	Temp Heat/Cooling
Performance + Payment Bonds	Winter Conditions
Site Disturbance Permits	Asbestos Abatement
Builders Risk Insurance	Lead Paint Abatement
Furniture, Fixtures, Equipment	Builders' Risk Deductible
Audio Visual Equipment	OCIP Insurance
Telecommunication Equipment	Rock + Excavation
Temporary Utility Services for Construction	Unsuitable Soils
Prevailing/Davis Bacon Wages	ERRC Testing/Systems

POTENTIAL ALTERNATE/OPTIONAL COSTS

Building Permit Fee Allowance	\$8,818
Builders Risk Insurance	\$11,904





120 N 8th Street Booth Foundation Building

Detailed Breakdown

Spec Section	Description	Quantity	Unit	Unit Price	Subcontract Amount	Unit Price	Materials & Equipment	Man Hours	Labor	Total
Division 2										
20000	Site Conditions									
	Jobsite Security	1	ls	MCP	\$2,657	\$0.00	\$0	0	\$0	\$2,657
	Project Signage	1	ls	MCP	\$986	\$0.00	\$0	0	\$0	\$986
	On-Site Safety	1	ls	MCP	\$3,500	\$0.00	\$0	0	\$0	\$3,500
	Temporary Fence	1	ls	MCP	\$2,579	\$0.00	\$0	0	\$0	\$2,579
	Miscellaneous Materials	1	ls	MCP	\$4,271	\$0.00	\$0	0	\$0	\$4,271
	Miscellaneous Rentals	1	ls	MCP	\$1,314	\$0.00	\$0	0	\$0	\$1,314
	Demolition	9,517	sf		\$0	\$0.80	\$7,614	640	\$41,600	\$49,214
	Abatement	1	ls	\$25,000.00	\$25,000	\$0.00	\$0	0	\$0	\$25,000
		1	ls		\$0	\$0.00	\$0	0	\$0	\$0
	Total Site Conditions									\$89,519
Division 3										
30000	Concrete									
	Concrete Testing	1	ls	MCP	\$0	\$0.00	\$0	0	\$0	\$0
	Concrete	75	sf	\$25.00	\$1,875	\$0.00	\$0	0	\$0	\$1,875
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Concrete									\$1,875
Division 4										
40000	Masonry									
	Masonry Testing	1	ls	MCP	0	\$0.00	\$0	0	\$0	\$0
	Masonry Repair/Restoration	1	LS	\$65,000.00	\$65,000	\$0.00	\$0	0	\$0	\$65,000
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Masonry									\$65,000
Division 5										
50000	Steel									
	Steel Testing	1	ls	MCP	\$0	\$0.00	\$0	0	\$0	\$0
	Equipment and Fuel	1	ls	MCP	\$7,006	\$0.00	\$0	0	\$0	\$7,006
	Misc Steel	1	LS	\$15,000.00	\$15,000	\$0.00	\$0	0	\$0	\$15,000
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Steel									\$22,006
Division 6										
60000	Carpentry									
	Daily Cleanup	1	ls	MCP	\$12,979	\$0.00	\$0	0	\$0	\$12,979
	Dumpsters	1	ls	MCP	\$4,928	\$0.00	\$0	0	\$0	\$4,928



120 N 8th Street Booth Foundation Building

Detailed Breakdown

Spec Section	Description	Quantity	Unit	Unit Price	Subcontract Amount	Unit Price	Materials & Equipment	Man Hours	Labor	Total
	Framing Foreman	2	mo	\$14,875.00	\$29,750	\$0.00	\$0	0	\$0	\$29,750
	Ceiling framing	3,193	sf	\$8.50	\$27,141	\$0.00	\$0	0	\$0	\$27,141
	framing and blocking	458	lf		\$0	\$32.00	\$14,656	320	\$20,800	\$35,456
	Finish Carpentry	4,458	sf	\$2.60	\$11,591	\$2.10	\$9,362	0	\$0	\$20,953
	Shelving	30	lf		\$0	\$8.50	\$255	6	\$390	\$645
	Base	676	lf		\$0	\$6.50	\$4,394	17	\$1,099	\$5,493
	Counter tops	183	sf	\$120.00	\$21,960	\$0.00	\$0	0	\$0	\$21,960
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Carpentry									\$159,303
	Division 7									
70000	Thermal Moisture Protection									
	Roofing	3,193	sf	\$27.00	\$86,211	\$0.00	\$0	0	\$0	\$86,211
	Spray foam Insulation	3,193	sf	\$4.50	\$14,369	\$0.00	\$0	0	\$0	\$14,369
	Gutters and down spouts	1	ls	\$3,000.00	\$3,000	\$0.00	\$0	0	\$0	\$3,000
	Caulking	1	ls	\$6,000.00	\$6,000	\$0.00	\$0	0	\$0	\$6,000
	Intumescent Paint	3,200	sf	\$6.50	\$20,800	\$0.00	\$0	0	\$0	\$20,800
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Thermal Moisture Protection									\$130,380
	Division 8									
80000	Doors and Windows									
	New windows	34	ea	\$3,500.00	\$119,000	\$0.00	\$0	0	\$0	\$119,000
	lead glass	17	ea	\$1,200.00	\$20,400	\$0.00	\$0	0	\$0	\$20,400
	Doors and frames	20	ea	\$650.00	\$13,000	\$0.00	\$0	0	\$0	\$13,000
	Door hardware	33	ea	125	\$4,125	\$0.00	\$0	0	\$0	\$4,125
	Mirrors	53	sf	\$8.00	\$420	\$0.00	\$0	0	\$0	\$420
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Doors and Windows									\$156,945
	Division 9									
90000	Finishes									
	Drywall	12,353	fsf	\$2.50	\$30,883	\$0.00	\$0	0	\$0	\$30,883
	Plaster repair	2,912	sf	\$3.00	\$8,736	\$0.00	\$0	0	\$0	\$8,736
	Painting	6,400	sf	\$3.75	\$24,000	\$0.00	\$0	0	\$0	\$24,000
	Tile	200	sf	\$15.00	\$3,000	\$0.00	\$0	0	\$0	\$3,000
	Wall tile	471	sf	\$16.00	\$7,536	\$0.00	\$0	0	\$0	\$7,536
	Flooring	4,400	sf	\$12.50	\$55,000	\$0.00	\$0	0	\$0	\$55,000
	Finish Foreman	2		\$14,875.00	\$0	\$0.00	\$0	0	\$0	\$0



120 N 8th Street Booth Foundation Building

Detailed Breakdown

Spec Section	Description	Quantity	Unit	Unit Price	Subcontract Amount	Unit Price	Materials & Equipment	Man Hours	Labor	Total
	Final Cleaning	1	ls	MCP	\$3,331	\$0.00	\$0	0	\$0	\$3,331
	Total Finishes									\$132,485
	Division 10									
100000	Specialties									
	Restroom Accessories	4	ea	\$450.00	\$1,800	\$0.00	\$0	0	\$0	\$1,800
	knox box	1	ea	\$500.00	\$500	\$0.00	\$0	0	\$0	\$500
	Postal specialties	8	ea	\$150.00	\$1,200	\$0.00	\$0	0	\$0	\$1,200
	signage	1	ls	\$15,000.00	\$15,000	\$0.00	\$0	0	\$0	\$15,000
	fire extinguishers	6	ea	\$175.00	\$1,050	\$0.00	\$0	0	\$0	\$1,050
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Specialties									\$19,550
	Division 11									
110000	Equipment									
	Residential Appliances	3	ea	\$4,050.00	\$12,150	\$0.00	\$0	0	\$0	\$12,150
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Equipment									\$12,150
	Division 12									
120000	Furnishings									
	Cabinets	127	lf	\$125.00	\$15,875	\$0.00	\$0	0	\$0	\$15,875
	Window blinds	31	ea	\$150.00	\$4,650	\$0.00	\$0	0	\$0	\$4,650
	Total Furnishings									\$20,525
	Division 21									
210000	Fire Suppression									
	Fire sprinklers	9,517	sf	\$3.50	\$33,310	\$0.00	\$0	0	\$0	\$33,310
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Fire Suppression									\$33,310
	Division 22									
220000	Plumbing									
	Plumbing	3	ea	\$14,000.00	\$42,000	\$0.00	\$0	0	\$0	\$42,000
		1	ea	\$11,000.00	\$11,000	\$0.00	\$0	0	\$0	\$11,000
	Total Plumbing									\$53,000
	Division 23									
230000	HVAC									
	Temporary Heat/AC/Enclosures	1	ls	MCP	\$12,000	\$0.00	\$0	0	\$0	\$12,000



120 N 8th Street Booth Foundation Building

Detailed Breakdown

Spec Section	Description	Quantity	Unit	Unit Price	Subcontract Amount	Unit Price	Materials & Equipment	Man Hours	Labor	Total
	HVAC Units	4	ea	\$12,000.00	\$48,000	\$0.00	\$0	0	\$0	\$48,000
	HVAC Common area	1	ea	\$14,000.00	\$14,000	\$0.00	\$0	0	\$0	\$14,000
	Total HVAC									\$74,000
	Division 26									
260000	Electrical									
	Temporary Electric (Job Trailer)	1	ls	MCP	\$0	\$0.00	\$0	0	\$0	\$0
	Electrical	3	ea	\$18,000.00	\$54,000	\$0.00	\$0	0	\$0	\$54,000
	Common and retail	1	ea	\$25,000.00	\$25,000	\$0.00	\$0	0	\$0	\$25,000
	F/A	6,400	sf	\$0.90	\$5,760	\$0.00	\$0	0	\$0	\$5,760
	Low Voltage	6,400	sf	\$1.45	\$9,280	\$0.00	\$0	0	\$0	\$9,280
	Total Electrical									\$94,040
	Division 31									
310000	Earthwork									
	Staking and Surveying	1	ls	MCP	\$4,750	\$0.00	\$0	0	\$0	\$4,750
	Temporary Roads/Staging	1	ls	MCP	\$0	\$0.00	\$0	0	\$0	\$0
	Traffic Control	1	ls	MCP	\$4,928	\$0.00	\$0	0	\$0	\$4,928
	Soils Testing	1	ls	MCP	\$0	\$0.00	\$0	0	\$0	\$0
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Earthwork									\$9,678
	Division 32									
320000	Site Improvements									
	Concrete replacement	500	sf	\$18.00	\$9,000	\$0.00	\$0	0	\$0	\$9,000
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Site Improvements									\$9,000
	Division 33									
330000	Site Utilities									
	Sanitary Sewer	50	LF	\$220.00	\$11,000	\$0.00	\$0	0	\$0	\$11,000
	Water Distribution	150	LF	\$250.00	\$37,500	\$0.00	\$0	0	\$0	\$37,500
	Storm Sewer				\$0	\$0.00	\$0	0	\$0	\$0
	Storm Sewer Detention				\$0	\$0.00	\$0	0	\$0	\$0
	Total Site Utilities									\$48,500

Qualifications and Assumptions

Division 1

Assumes a 6 month project. Excludes hazardous material testing and special inspections.
Includes an allowance of \$12,000 for temp heat and building power during construction.

Division 2

Includes demo of site and selective demo of building interiors.
Excludes any testing of hazardous materials. An Abatement allowance of \$25,000 is included.

Division 3

Includes interior utility trench infill.

Division 4

Includes an allowance of \$65,000 for masonry restoration and repair.

Division 5

Includes miscellaneous steel .

Division 6

Includes all rough carpentry, wood blocking, exterior decking, finish carpentry labor
Wood base, closet shelving, and stone counter tops.

Division 7

Includes , new roof, flashings, gutters and downspouts, exterior caulking, building insulation for
partition wall insulation, metal trims, open cell spray foam roof insulation and intumescent paint.

Division 8

Includes all doors and hardware, replacement windows, window restoration and mirrors.
Excludes storefront glass replacement.

Division 9

Includes drywall, plaster repair, painting, floor finishes, and tile.
Flooring Assumptions include tile retail spaces, wood floor restoration, with tile restrooms.
Assumes tile tub and shower surrounds, wainscot tile in retail restrooms, tile back splashes in kitchens.

Division 10

Includes signage, Knox boxes, restroom accessories, mailboxes, fire extinguishers.
A signage allowance of \$15,000 is included.

Division 11

Includes residential appliances for 3 units. Includes washers and dryers.

Division 12

Includes residential casework for 3 units.
Includes louvered window blinds at residential units.

Division 14

Not used

Division 21

Includes new NFPA 13 fire sprinkler. Excludes Fire pump if required

Division 22

Includes a new water, waste, vents and fixtures in all new units and public restrooms.
Assumes Pex, PVC and CPVC are allowable, builder grade fixtures.
Individual water heaters assumes all electric.

Division 23

Includes individual split systems with roof or ground mounted condensers and restroom venting.
Assumes all electric. Includes HVAC split systems and restroom venting in lease areas.

Division 26

Includes complete new power distribution, switching and light fixtures. Includes fire alarm and
cable installation. Lease space has new entry equipment, lighting, code compliant
egress lighting and F/A. Assumes all units are individual meters.

Division 31

Includes traffic control. Excludes any termite treatments.

Division 32

Includes 500 sf concrete replacement at entries, utility trenches and rear egress.

Division 33

Includes new 6" fire line to building (150 lf), New domestic water lines (150 lf), New
sanitary sewer lines (50lf) .
Excludes meters and access fees.

TAX YEAR	STATEMENT#	TAXPAYER ID	TAXPAYER NAME(S)
2022	61895	B00T0005	BOOTH THEATRE FOUNDATION INC

PROPERTY DETAILS			
Owner..BOOTH THEATRE FOUNDATION INC		Unit.INDEPENDENCE CITY-USD446-BOND- Legal.IC 000588 IC 000588A2	
Parcel.108- 43560 CAMA #.099-31-0-20-10-007-00-0-01 Subdiv.W49 Blk. Lots. Sec....31 Twn.32 Rng.16		Address. 120 N 8TH STREET	
Deed Information: BOOTH THEATRE FOUNDATION PO BOX 236		INC INDEPENDENCE, KS 67301	
Values:	Code.CU	Land. 2663	Impr. 9933
		Ag Acres. .1	Penalty. 0
Levy. 197.59100		1st Half	2nd Half
Real Estate Tax Amount.....		1244.43	1244.43
			Total Tax 2488.86
TOTAL TAXES THIS STATEMENT		1244.43	1244.43
TOTAL PAID THIS STATEMENT		1244.43	2488.86 *
TOTAL DUE THIS STATEMENT		.00	.00 *
PLEASE MAKE MONTGOMERY CO TREASURER PAYMENT TO: PO BOX 767 INDEPENDENCE, KS 67301			

TAX DISTRIBUTION SUMMARY			
State... 18.90	City.... 686.67	School.. 595.12	Special Assessments
County.. 606.88	Township .00	Library. .00	Total.. .00
Fire.... .00	Cemetery .00	Other... 581.29	

YOUR ASSESSED VALUE			
Property Class	2021	2022	Value Change
Residential*	0	0	0
Non-Residential	5,241	12,596	7,355
			% Change 140.3
TOTAL	5,241	12,596	7,355
			140.3

* The first \$2300 in residential assessed value is exempt from the Statewide USD Mill Levy.

YOUR MILL LEVIES				YOUR TAXES			
Taxing Authority	2021	2022	% Chg	2021	2022	\$ Chg	% Chg
STATE	1.50000	1.50000	.0	7.86	18.90	11.04	140.5
COUNTY	52.11700	48.18000	-8.2	273.16	606.88	333.72	122.2
STATEWIDE USD*	20.00000	20.00000	.0	104.82	251.92	147.10	140.3
USD 446	26.92500	27.24700	1.2	141.11	343.20	202.09	143.2
Independence City	54.62900	54.51500	-.2	286.31	686.67	400.36	139.8
General Fund - ICC	42.77500	39.78000	-7.5	224.18	501.07	276.89	123.5
Capital Outlay - ICC							
Rec Comm Emp Bene. USD44	1.00000	.99900	-.1	5.24	12.58	7.34	140.1
Recreation Comm. USD 446	4.00000	3.99500	-.1	20.96	50.32	29.36	140.1
Wildcat Ext. Dst. #14	1.38900	1.37500	-1.0	7.28	17.32	10.04	137.9
TOTAL	204.33500	197.59100	-3.4	1,070.92	2,488.86	1,417.94	132.4

REVENUE FROM PROPERTY TAX LEVIES			
Taxing Authority	From 2021	From 2022	\$ Change
STATE	487,731.09	529,372.35	41,641.26
COUNTY	16,987,235.68	17,006,613.29	19,377.61
STATEWIDE USD*	2,014,683.57	2,013,030.35	-1,653.22
USD 446	3,023,836.22	3,307,275.32	283,439.10
Independence City	2,593,536.13	2,800,012.27	206,476.14
General Fund - ICC	5,957,358.74	6,226,228.19	268,869.45
Capital Outlay - ICC			
Rec Comm Emp Bene. USD44	112,042.03	121,218.55	9,176.52
Recreation Comm. USD 446	448,159.06	484,751.65	36,592.59
Wildcat Ext. Dst. #14	450,392.54	485,212.82	34,820.28
TOTAL	32,074,975.06	32,973,714.79	898,739.73

Last Payment on 2022/11/14

REAL ESTATE 2022
Statement # 0061895

TX ID.B00T0005

BOOTH THEATRE FOUNDATION INC
PO BOX 236
INDEPENDENCE, KS 67301

Last Payment on 2022/11/14

REAL ESTATE 2022
Statement # 0061895

TX ID.B00T0005

BOOTH THEATRE FOUNDATION INC
PO BOX 236
INDEPENDENCE, KS 67301



DOWNTOWN INDEPENDENCE BUILDING GRANT

The Downtown Independence Building Grant Program is established for the sole purpose of aiding in the preservation of the structural integrity of existing commercial buildings located within the Central Business District of the City of Independence to maintain the economic stability of the Central Business District. This grant provides a 25% reimbursement for eligible expenses with a maximum funding of \$25,000 per building.

Neighborhood Revitalization District

To take part in the Downtown Independence Building Grant Reimbursement Program, a property must be located in a Neighborhood Revitalization District.

Eligibility

To qualify to participate in the Downtown Independence Building Grant Program, applicants must meet the following:

- The property must be located within the designated Central Business District
- Applicant must provide proof of ownership
- The property's real estate taxes must be paid and current.
- City utility bills must be current on all properties in the applicants name or ownership.
- Applicant must provide proof of adequate property insurance on the property
- Applicant may only have one open application at a time
- The improvements must meet Independence city code and applicable building codes.
- The improvement must not be paid for using an insurance settlement or other governmental funding.
- Minimum exterior inspection requirements must be met. If an applicant fails an item at inspection, said item must be corrected prior to application approval or must be addressed within proposed improvements (see Inspection document for details).

Eligible Improvements/costs include:

- Electrical upgrade to include breaker box, wiring and receptacles.
- Electrical Meter Service and disconnect upgrades
- Plumbing service line replacement and interior plumbing
- Fire Sprinkler installation (does not cover design and plan development)
- Façade restoration (tuckpointing)
- Masonry
- Window and exterior door repair or replacement (condition warrants need, cosmetic improvements are not reimbursable)
- Gutters
- Exterior electrical work related to service entrance code compliance or safety
- Roofs (condition warrants need, cosmetic improvements are not reimbursable)
- Footings and foundation
- Flooring structural systems (not floor coverings or underlayment)
- Load bearing or structurally necessary walls, partitions, or other vertical support
- Ceiling structure support, roof and/or ceiling – roof supports or other horizontal structures
- Actual material and installation costs



Ineligible Improvements/costs include:

- Cosmetic improvements where condition does not directly contribute to the need of the improvement
- Restructuring or remodeling
- Exterior painting
- Contractor profit and overhead, bond and insurance costs
- Sweat equity
- Design and inspection costs
- Any work completed prior to final application approval

Note, the City reserves the right to determine if a proposed improvement meets program requirements.

How to Apply and Program Process/Compliance

- The City will start accepting applications on an ongoing basis
- Grant money will be distributed on a first come, first served basis until all funding is appropriated.
- Applications can be emailed to davidc@independenceks.gov or received at City Hall, 811 W. Laurel St., Independence, KS, 67301. Attn: Downtown Independence Building Grant Application
- Upon receipt of application, City Staff will contact the applicant for review of the application and proposed work.
- Buildings will require a minimum exterior inspection; all building codes, ordinance and other applicable regulations for Central Business District must be met. A written report will be provided to the review committees.
- After a complete application is received, a 45-day review period will commence for review by the following committees. Each committee shall provide a written recommendation after review.
 - CBDDB Grant Program Committee
 - City Manager
 - Assistant City Manager – Chair
 - Director of Finance
 - Housing Authority Director (non-voting)
 - Economic Development Advisory Board Representative (non-voting)
 - Building Inspector (non-voting)
 - Main Street Director (non-voting)
 - Independence Historic Preservation & Resource Commission
- Following approval from abovementioned review committees, applications will go before the Commission for final approval at the next regular commission meeting
- A scope and timeline of work must be submitted to the Building Department within 90 days of notification of approval
- Projects must be completed within 6 months after a building permit is issued. One 6-month extension may be granted with written approval prior to the initial 6-month deadline.
- Contractor(s) utilized to perform improvements must have a current Independence Occupational license, and if appropriate professional license.
- City staff will perform a monthly review of the project and provide written/photographic documentation.
- City staff shall have the right of entry with 24-hour notice, or immediately if imminent danger is present
- All building codes and ordinances will be adhered to during the duration of the project.
- Applicant will provide documentation from a structural engineer that certifies any work relating to the



structural integrity of the building was properly completed.

- Applicant shall be responsible for all safety conditions and compliance with all federal, state, and local laws.
- Any design/scope changes after initial approval must be submitted to the Building Inspector and go through the committee review and commission approval process.
- Failure to obtain approval for the change order could make changes ineligible for funding.



DOWNTOWN INDEPENDENCE BUILDING GRANT

To be completed by the applicant:

Owner of Record (must be applicant): Chris Stemler-Trident Partnerships

Phone: (785)438-7311

Email: christopher@tridentpartnerships.com

Mailing Address: 3321 SW Westover Rd

Property Address: 00000 N. 8th

Topeka, KS 66604

Independence, KS 67301

Description of Proposed Improvements:

Full building remodel interior and exterior. Commercial store front on first floor and residential units on upper story

Estimated Total Cost of Improvements: \$ 1,698,919.00

Estimated Cost of Eligible Improvements: \$ _____ Grant Funding Requested: \$ 25,000

Anticipated Project Start Date: 1 / 1 / 23

Anticipated Project Completion Date: 12 / 31 / 23

Required supplemental documentation:

☒ Detailed breakdown of estimated project expenses, including non-eligible work

☒ Bids/Quotes/Estimates to support estimated project cost.

☐ Architectural/Engineer stamped drawings and Contractor drawings and description of work

☐ Contact Information for lending institution, if financed by a loan

☒ Copy of current insurance policy

☒ Property Tax Statement

Architect / Engineer / Contractor Information:

Contact: Miranda Bruening Phone: 620-205-8487 Email: miranda@echelonad.com

Business Name: Echelon Arch + Design City License: # _____ Services: Architectural

Contact: Russ Redford Phone: 316-684-9600 Email: rredford@mkec.com

Business Name: MKEC Engineers City License: # _____ Services: Structural Engineering



Contact: Scott McKinley Phone: (785)273-2447 Email: scott.mckinley@pkmreng.com

Business Name: PKMR Engineers City License: # Services: MEP Engineering

Contact: Pat Tolin Phone: (785)260-6639 Email: PatT@theMCPGROUP.com

Business Name: MCP Group City License: # Services: Contractor

By agreeing to participate in this program, the applicant or their architects, engineers, contractors, or others will not seek to hold the City or their agents, employee, officers, and/or Commissioners liable for any property damage, personal injury, or other loss related in any way to the Downtown Independence Building Grant Program.

By signing below, I agree to the participate in the program as outlined, to provide all required information and verifications of work, and to maintain the property and improvements, including, but not limited to promptly removing graffiti, sweeping, and shoveling in front of the property. I certify that to the best of my knowledge all the information provided is truthful and factual. I understand that by participating in this Program, I give my consent for City staff to enter my property to make inspections related to the program and that photos taken of my property can be used in City promotional materials. Monies granted through this program will be reported on IRS Form 1099-G.

Signature of applicant (owner): _____ Date: ____/____/____

Applications may be emailed to: davidc@independenceks.gov or sent to:
City Hall, 811 W. Laurel St., Independence, KS, 67301. Attn: CBDCEB Grant Application

FOR CITY OFFICE USE BELOW

___ Improvements are Eligible for Grant

___ Real Estate Taxes Current ___ City Bills Current

___ Required Supplemental Documentation Received

___ Before Pictures Taken

___ Funding Available

___ Building Permit Required (Yes/No) ___ Building Permit Issued Permit No. _____

Initial Inspection of Property/Project: ____/____/____ See Attached Inspection Sheet

Application Approval Date: ____/____/____ Approved By: _____

Project Completion Date: ____/____/____ Reviewed By: _____

Program Close-Out Documentation

___ After Pictures Taken

___ Improvements Meet City Code and Building Requirements

___ Receipts Received (50% Completion) Date: ____/____/____

Amount: \$ _____ Payment (25%): \$ _____ By: _____

___ Receipts Received (100% Completion) Date: ____/____/____

Amount: \$ _____ Payment (25%): \$ _____ By: _____

Information contained in this document will be confidential and only used for the purpose of granting the application.

SCHEMATIC BUDGET
00000 N 8th St. Hair Plus

Estimator | Brian Murphy
Date | 10/31/2022

DIVISION	DESCRIPTION	COST
Division 1	Site Supervision	\$123,915
	Project Management	\$15,152
Division 2	Site Conditions	\$78,672
Division 3	Concrete	\$1,875
Division 4	Masonry	\$153,024
Division 5	Steel	\$3,143
Division 6	Carpentry	\$150,254
Division 7	Thermal and Moisture Protection	\$20,871
Division 8	Doors and Windows	\$120,240
Division 9	Finishes	\$270,338
Division 10	Specialties	\$20,450
Division 11	Equipment	\$18,475
Division 12	Furnishings/Residential Casework	\$23,350
Division 13	Special Construction	\$0
Division 14	Conveying Systems	\$0
Division 21	Fire Suppression	\$24,732
Division 22	Plumbing	\$78,000
Division 23	HVAC	\$100,000
Division 26	Electrical	\$128,530
Division 31	Sitework	\$9,678
Division 32	Site Improvements	\$12,600
Division 33	Site Utilities	\$65,750
	General Conditions	
	Schedule and PM Software	\$12,424
	Safety	\$4,333
	Field Office	\$6,263
	Temporary Toilets	\$2,100
	Plans and Printing	\$1,500
Subtotal Construction Costs		\$1,445,667
General Liability Insurance		\$12,110
Contractor Overhead		\$43,348
Contractor Fee		\$43,348
Total Construction Costs		\$1,544,472
Estimating Contingency 10%		\$154,447
Total Construction Costs w/Contingency		\$1,698,919

EXECUTIVE SUMMARY	
Plans Dated	10/19/2022
Plans Titled	Hair Plus Preliminary
Sales Tax Rate:	9.50%
Site Sq. Ft.	N/A
Building Sq. Ft.	7,197
Total Units 4 living ,2 lease	6
Cost per Sq. Ft.	\$236.06
Cost per Unit includes lease space	\$283,153
Construction Duration	6 Months
Anticipated Construction Start	1st Q 2023
STANDARD EXCLUSIONS	
Permit Fees	Development Fees + Permits
Tap Fees	Utility Company Fees
Meter Fees	Utility Usage Fees
Design Fee	Hazardous Material Abatement
Shoring	Dry/Wet Utility Extensions
Signage	Temp Heat/Cooling
Performance + Payment Bonds	Winter Conditions
Site Disturbance Permits	Asbestos Abatement
Builders Risk Insurance	Lead Paint Abatement
Furniture, Fixtures, Equipment	Builders' Risk Deductible
Audio Visual Equipment	OCIP Insurance
Telecommunication Equipment	Rock + Excavation
Temporary Utility Services for Construction	Unsuitable Soils
Prevailing/Davis Bacon Wages	ERRC Testing/Systems
POTENTIAL ALTERNATE/OPTIONAL COSTS	
Building Permit Fee Allowance	\$9,611
Builders Risk Insurance	\$13,455





00000 N 8th St. Hair Plus

Detailed Breakdown

Spec Section	Description	Quantity	Unit	Unit Price	Subcontract Amount	Unit Price	Materials & Equipment	Man Hours	Labor	Total
Division 2										
20000	Site Conditions									
	Jobsite Security	1	ls	MCP	\$2,657	\$0.00	\$0	0	\$0	\$2,657
	Project Signage	1	ls	MCP	\$986	\$0.00	\$0	0	\$0	\$986
	On-Site Safety	1	ls	MCP	\$3,500	\$0.00	\$0	0	\$0	\$3,500
	Temporary Fence	1	ls	MCP	\$2,579	\$0.00	\$0	0	\$0	\$2,579
	Miscellaneous Materials	1	ls	MCP	\$4,271	\$0.00	\$0	0	\$0	\$4,271
	Miscellaneous Rentals	1	ls	MCP	\$1,314	\$0.00	\$0	0	\$0	\$1,314
	Demolition	6,183	ls		\$0	\$2.00	\$12,366	400	\$26,000	\$38,366
	Abatement	1	ls	\$25,000.00	\$25,000	\$0.00	\$0	0	\$0	\$25,000
		1	ls		\$0	\$0.00	\$0	0	\$0	\$0
	Total Site Conditions									\$78,672
Division 3										
30000	Concrete									
	Concrete Testing	1	ls	MCP	\$0	\$0.00	\$0	0	\$0	\$0
	Concrete infill	75	sf	\$25.00	\$1,875	\$0.00	\$0	0	\$0	\$1,875
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Concrete									\$1,875
Division 4										
40000	Masonry									
	Masonry Testing	1	ls	MCP	0	\$0.00	\$0	0	\$0	\$0
	Masonry Infill	84	sf	\$36.00	\$3,024	\$0.00	\$0	0	\$0	\$3,024
	Masonry Restoration	1	ls	\$150,000.00	\$150,000	\$0.00	\$0	0	\$0	\$150,000
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Masonry									\$153,024
Division 5										
50000	Steel									
	Steel Testing	1	ls	MCP	\$0	\$0.00	\$0	0	\$0	\$0
	Equipment and Fuel	1	ls	MCP	\$1,643	\$0.00	\$0	0	\$0	\$1,643
	Misc Steel	1	ls	\$1,500.00	\$1,500	\$0.00	\$0	0	\$0	\$1,500
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Steel									\$3,143
Division 6										
60000	Carpentry									
	Daily Cleanup	1	ls	MCP	\$12,979	\$0.00	\$0	0	\$0	\$12,979



00000 N 8th St. Hair Plus

Detailed Breakdown

Spec Section	Description	Quantity	Unit	Unit Price	Subcontract Amount	Unit Price	Materials & Equipment	Man Hours	Labor	Total
	Dumpsters	1	ls	MCP	\$4,928	\$0.00	\$0	0	\$0	\$4,928
	Framing Foreman	2	mo	\$14,875.00	\$29,750	\$0.00	\$0	0	\$0	\$29,750
	Framing	410	lf		\$2,500	\$24.00	\$9,840	160	\$10,400	\$22,740
	Floor patch	1	ls	\$5,000.00	\$5,000	\$0.00	\$0	0	\$0	\$5,000
	Shelving	45	LF		\$0	\$8.50	\$383	8	\$520	\$903
	Base	1,329	lf		\$0	\$6.50	\$8,639	32	\$2,080	\$10,719
	counter tops	260	sf	\$110.00	\$28,600	\$0.00	\$0	0	\$0	\$28,600
	Finish Carpentry	6,185	ls	\$4.00	\$24,740	\$1.60	\$9,896	0	\$0	\$34,636
	Total Carpentry									\$150,254
Division 7										
70000	Thermal Moisture Protection									
	wall Insulation	4,800	sf	\$1.20	\$5,760	\$0.00	\$0	0	\$0	\$5,760
	Spray Insulation	2,268	sf	\$4.50	\$10,206	\$0.00	\$0	0	\$0	\$10,206
	Gutters and downspouts	95	lf	\$24.00	\$2,280	\$0.00	\$0	0	\$0	\$2,280
	Siding	75	sf	\$15.00	\$1,125	\$0.00	\$0	0	\$0	\$1,125
	Caulking	1	ls	\$1,500.00	\$1,500	\$0.00	\$0	0	\$0	\$1,500
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Thermal Moisture Protection									\$20,871
Division 8										
80000	Doors and Windows									
	New windows	9	ea	\$3,500.00	\$31,500	\$0.00	\$0	0	\$0	\$31,500
	Re hab windows	20	ea	\$2,800.00	\$56,000	\$0.00	\$0	0	\$0	\$56,000
	Exterior Doors	3	ea	\$2,500.00	\$7,500	\$0.00	\$0	0	\$0	\$7,500
	Interior doors	31	ea	\$650.00	\$20,150	\$0.00	\$0	0	\$0	\$20,150
	Door hardware	34	ea	\$125.00	\$4,250	\$0.00	\$0	0	\$0	\$4,250
	Mirrors	105	sf	\$8.00	\$840	\$0.00	\$0	0	\$0	\$840
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Doors and Windows									\$120,240
Division 9										
90000	Finishes									
	Drywall	10,080	fsf	\$4.50	\$45,360	\$0.00	\$0	0	\$0	\$45,360
	Drywall ceilings	6,185	sf	\$12.50	\$77,313	\$0.00	\$0	0	\$0	\$77,313
	Plaster repair	5,238	sf	\$3.00	\$15,714	\$0.00	\$0	0	\$0	\$15,714
	Painting	6,183	sf	\$4.75	\$29,369	\$0.00	\$0	0	\$0	\$29,369
	Flooring	2,987	sf	\$8.50	\$25,390	\$0.00	\$0	0	\$0	\$25,390
	Tile	2,308	sf	\$15.00	\$34,620	\$0.00	\$0	0	\$0	\$34,620



00000 N 8th St. Hair Plus

Detailed Breakdown

Spec Section	Description	Quantity	Unit	Unit Price	Subcontract Amount	Unit Price	Materials & Equipment	Man Hours	Labor	Total
	Wall tile	644	sf	\$16.00	\$10,304	\$0.00	\$0	0	\$0	\$10,304
	Finish Foreman	2	mo	\$14,875.00	\$29,750	\$0.00	\$0	0	\$0	\$29,750
	Final Cleaning	1	ls	MCP	\$2,519	\$0.00	\$0	0	\$0	\$2,519
	Total Finishes									\$270,338
	Division 10									
100000	Specialties									
	Restroom Accessories	6	ea	\$450.00	\$2,700	\$0.00	\$0	0	\$0	\$2,700
	knox box	1	ea	\$500.00	\$500	\$0.00	\$0	0	\$0	\$500
	Postal specialties	8	ea	\$150.00	\$1,200	\$0.00	\$0	0	\$0	\$1,200
	signage	1	ls	\$15,000.00	\$15,000	\$0.00	\$0	0	\$0	\$15,000
	fire extinguishers	6	ea	\$175.00	\$1,050	\$0.00	\$0	0	\$0	\$1,050
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Specialties									\$20,450
	Division 11									
110000	Equipment									
	Residential equipment	4	ea	\$4,050.00	\$16,200	\$0.00	\$0	35	\$2,275	\$18,475
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Equipment									\$18,475
	Division 12									
120000	Furnishings									
	Cabinets	152	lf	\$125.00	\$19,000	\$0.00	\$0	0	\$0	\$19,000
	Window coverings	29		\$150.00	\$4,350	\$0.00	\$0	0	\$0	\$4,350
	Total Furnishings									\$23,350
	Division 21									
210000	Fire Suppression									
	Fire Sprinkler	6,183	sf	\$4.00	\$24,732	\$0.00	\$0	0	\$0	\$24,732
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Fire Suppression									\$24,732
	Division 22									
220000	Plumbing									
	Units	4	ea	\$14,000.00	\$56,000	\$0.00	\$0	0	\$0	\$56,000
	common	2	ea	\$11,000.00	\$22,000	\$0.00	\$0	0	\$0	\$22,000
	Total Plumbing									\$78,000
	Division 23									



00000 N 8th St. Hair Plus

Detailed Breakdown

Spec Section	Description	Quantity	Unit	Unit Price	Subcontract Amount	Unit Price	Materials & Equipment	Man Hours	Labor	Total
230000	HVAC									
	Temporary Heat/AC/Enclosures	1	ls	MCP	\$12,000	\$0.00	\$0	0	\$0	\$12,000
	HVAC Units	5	ea	\$12,000.00	\$60,000	\$0.00	\$0	0	\$0	\$60,000
	Retail	2	ea	\$14,000.00	\$28,000	\$0.00	\$0	0	\$0	\$28,000
	Total HVAC									\$100,000
Division 26										
260000	Electrical									
	Temporary Electric (Job Trailer)	1	ls	MCP	\$0	\$0.00	\$0	0	\$0	\$0
	Electrical	4	ea	\$18,000.00	\$72,000	\$0.00	\$0	0	\$0	\$72,000
	Common area/retail	3	ea	\$14,000.00	\$42,000	\$0.00	\$0	0	\$0	\$42,000
	F/A	6,183	sf	\$0.90	\$5,565	\$0.00	\$0	0	\$0	\$5,565
	Low Voltage	6,183	sf	\$1.45	\$8,965	\$0.00	\$0	0	\$0	\$8,965
	Total Electrical									\$128,530
Division 31										
310000	Earthwork									
	Staking and Surveying	1	ls	MCP	\$4,750	\$0.00	\$0	0	\$0	\$4,750
	Temporary Roads/Staging	1	ls	MCP	\$0	\$0.00	\$0	0	\$0	\$0
	Traffic Control	1	ls	MCP	\$4,928	\$0.00	\$0	0	\$0	\$4,928
	Soils Testing	1	ls	MCP	\$0	\$0.00	\$0	0	\$0	\$0
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Earthwork									\$9,678
Division 32										
320000	Site Improvements									
	Concrete	1,200	sf	\$10.50	\$12,600	\$0.00	\$0	0	\$0	\$12,600
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Site Improvements									\$12,600
Division 33										
330000	Site Utilities									
	Sanitary Sewer	100	lf	\$220.00	\$22,000	\$0.00	\$0	0	\$0	\$22,000
	Water Distribution	175	lf	\$250.00	\$43,750	\$0.00	\$0	0	\$0	\$43,750
	Storm Sewer				\$0	\$0.00	\$0	0	\$0	\$0
	Storm Sewer Detention				\$0	\$0.00	\$0	0	\$0	\$0
	Total Site Utilities									\$65,750

Qualifications and Assumptions

Division 1

Assumes a 6 month project. Excludes hazardous material testing and special inspections.
Includes an allowance of \$12,000 for temp heat and building power during construction.

Division 2

Includes demo of site and selective demo of building interiors.
Excludes any testing of hazardous materials. An Abatement allowance of \$25,000 is included.

Division 3

Includes interior utility trench infill.

Division 4

Includes masonry infills and an allowance of \$150,000 for masonry restoration and repair.

Division 5

Includes exterior steel stairs, railings and deck railings .

Division 6

Includes all rough carpentry, wood blocking, exterior decking, finish carpentry labor
Wood base, closet shelving, and stone counter tops.

Division 7

Includes ,flashings, gutters and downspouts, exterior caulking, building insulation for
partition wall insulation, metal trims and open cell spray foam roof insulation.

Division 8

Includes all doors and hardware, replacement windows, window restoration and mirrors.
Excludes storefront glass replacement. Assumes OH door infill to replicate a door with siding materials.

Division 9

Includes drywall, plaster repair, painting, floor finishes, and tile.
Flooring Assumptions include tile retail spaces, wood floor restoration, with tile restrooms.
Assumes tile tub and shower surrounds, wainscot tile in retail restrooms, tile back splashes in kitchens.

Division 10

Includes signage, Knox boxes, restroom accessories, mailboxes, fire extinguishers.
A signage allowance of \$15,000 is included.

Division 11

Includes residential appliances for 4 units. Includes washers and dryers.

Division 12

Includes residential casework for 4 units.
Includes louvered window blinds at residential units.

Division 14

Not used

Division 21

Includes new NFPA 13 fire sprinkler. Excludes Fire pump if required

Division 22

Includes a new water, waste, vents and fixtures in all new units and public restrooms.
Assumes Pex, PVC and CPVC are allowable, builder grade fixtures.
Individual water heaters assumes all electric.

Division 23

Includes individual split systems with roof or ground mounted condensers and restroom venting.
Assumes all electric. Includes HVAC split systems and restroom venting in lease areas.

Division 26

Includes complete new power distribution, switching and light fixtures. Includes fire alarm and
cable installation. Lease space has new entry equipment, lighting, code compliant
egress lighting and F/A. Assumes all units are individual meters.

Division 31

Includes traffic control. Excludes any termite treatments.

Division 32

Includes 1200 sf concrete replacement at entries, utility trenches and rear egress.

Division 33

Includes new 6" fire line to building (175 lf), New domestic water lines (175 lf), New
sanitary sewer lines (100lf) .
Excludes meters and access fees.



Pg. 1

TAX YEAR	STATEMENT#	TAXPAYER ID	TAXPAYER NAME(S)
2022	72109	HOGS0002	GARY D HOGSETT & ANNE D HOGSETT

Owner..GARY D HOGSETT & Unit.INDEPENDENCE CITY-USD446-BOND-
ANNE D HOGSETT Legal.IC 000383
Parcel.108- 43170
CAMA #.099-31-0-20-05-004-00-0-01
Subdiv.W49 Blk. 31 Lots.
Sec....31 Twn.32 Rng.16 Address. 0 N 8TH STREET

Deed Information:
HOGSETT, GARY D & ANNIE D HOGSETT
PO BOX 371 INDEPENDENCE, KS 67301

Values:	Code.CU	Land.	2633	Impr.	5845	Penalty.	0 Tax.	1675.18
Levy.	197.59100			1st Half	2nd Half	Total Tax		
Real Estate Tax Amount.....				837.59	837.59	1675.18		
TOTAL TAXES THIS STATEMENT				837.59	837.59	1675.18	*	
TOTAL PAID THIS STATEMENT				837.59	837.59	1675.18	*	
TOTAL DUE THIS STATEMENT				.00	.00	.00	*	

PLEASE MAKE MONTGOMERY CO TREASURER
PAYMENT TO: PO BOX 767
INDEPENDENCE, KS 67301

State...	12.72	City....	462.18	School..	400.55		Special Assessments
County..	408.47	Township	.00	Library.	.00		Total.. .00
Fire....	.00	Cemetery	.00	Other...	391.26		

Property Class	2021	2022	Value Change	% Change
Residential*	0	0	0	.0
Non-Residential	6,051	8,478	2,427	40.1
TOTAL	6,051	8,478	2,427	40.1

* The first \$2300 in residential assessed value is exempt from the Statewide USD Mill Levy.

YOUR MILL LEVIES				YOUR TAXES			
Taxing Authority	2021	2022	% Chg	2021	2022	\$ Chg	% Chg
STATE	1.50000	1.50000	.0	9.08	12.72	3.64	40.1
COUNTY	52.11700	48.18000	-8.2	315.37	408.47	93.10	29.5
STATEWIDE USD*	20.00000	20.00000	.0	121.02	169.56	48.54	40.1
USD 446	26.92500	27.24700	1.2	162.93	230.99	68.06	41.8
Independence City	54.62900	54.51500	-.2	330.56	462.18	131.62	39.8
General Fund - ICC	42.77500	39.78000	-7.5	258.83	337.26	78.43	30.3
Capital Outlay - ICC							
Rec Comm Emp Bene. USD44	1.00000	.99900	-.1	6.05	8.47	2.42	40.0
Recreation Comm. USD 446	4.00000	3.99500	-.1	24.20	33.87	9.67	40.0
Wildcat Ext. Dst. #14	1.38900	1.37500	-1.0	8.40	11.66	3.26	38.8
TOTAL	204.33500	197.59100	-3.4	1,236.44	1,675.18	438.74	35.5

Taxing Authority	From 2021	From 2022	\$ Change	% Change
STATE	487,731.09	529,372.35	41,641.26	8.5
COUNTY	16,987,235.68	17,006,613.29	19,377.61	.1
STATEWIDE USD*	2,014,683.57	2,013,030.35	-1,653.22	- .1
USD 446	3,023,836.22	3,307,275.32	283,439.10	9.4
Independence City	2,593,536.13	2,800,012.27	206,476.14	8.0
General Fund - ICC	5,957,358.74	6,226,228.19	268,869.45	4.5
Capital Outlay - ICC				
Rec Comm Emp Bene. USD44	112,042.03	121,218.55	9,176.52	8.2
Recreation Comm. USD 446	448,159.06	484,751.65	36,592.59	8.2
Wildcat Ext. Dst. #14	450,392.54	485,212.82	34,820.28	7.7
TOTAL	32,074,975.06	32,973,714.79	898,739.73	2.8

Last Payment on 2022/11/14



TX ID.HOGS0002

GARY D HOGSETT &
ANNE D HOGSETT
PO BOX 371
INDEPENDENCE, KS 67301

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DOWNTOWN INDEPENDENCE BUILDING GRANT

The Downtown Independence Building Grant Program is established for the sole purpose of aiding in the preservation of the structural integrity of existing commercial buildings located within the Central Business District of the City of Independence to maintain the economic stability of the Central Business District. This grant provides a 25% reimbursement for eligible expenses with a maximum funding of \$25,000 per building.

Neighborhood Revitalization District

To take part in the Downtown Independence Building Grant Reimbursement Program, a property must be located in a Neighborhood Revitalization District.

Eligibility

To qualify to participate in the Downtown Independence Building Grant Program, applicants must meet the following:

- The property must be located within the designated Central Business District
- Applicant must provide proof of ownership
- The property's real estate taxes must be paid and current.
- City utility bills must be current on all properties in the applicants name or ownership.
- Applicant must provide proof of adequate property insurance on the property
- Applicant may only have one open application at a time
- The improvements must meet Independence city code and applicable building codes.
- The improvement must not be paid for using an insurance settlement or other governmental funding.
- Minimum exterior inspection requirements must be met. If an applicant fails an item at inspection, said item must be corrected prior to application approval or must be addressed within proposed improvements (see Inspection document for details).

Eligible Improvements/costs include:

- Electrical upgrade to include breaker box, wiring and receptacles.
- Electrical Meter Service and disconnect upgrades
- Plumbing service line replacement and interior plumbing
- Fire Sprinkler installation (does not cover design and plan development)
- Façade restoration (tuckpointing)
- Masonry
- Window and exterior door repair or replacement (condition warrants need, cosmetic improvements are not reimbursable)
- Gutters
- Exterior electrical work related to service entrance code compliance or safety
- Roofs (condition warrants need, cosmetic improvements are not reimbursable)
- Footings and foundation
- Flooring structural systems (not floor coverings or underlayment)
- Load bearing or structurally necessary walls, partitions, or other vertical support
- Ceiling structure support, roof and/or ceiling – roof supports or other horizontal structures
- Actual material and installation costs



Ineligible Improvements/costs include:

- Cosmetic improvements where condition does not directly contribute to the need of the improvement
- Restructuring or remodeling
- Exterior painting
- Contractor profit and overhead, bond and insurance costs
- Sweat equity
- Design and inspection costs
- Any work completed prior to final application approval

Note, the City reserves the right to determine if a proposed improvement meets program requirements.

How to Apply and Program Process/Compliance

- The City will start accepting applications on an ongoing basis
- Grant money will be distributed on a first come, first served basis until all funding is appropriated.
- Applications can be emailed to davidc@independenceks.gov or received at City Hall, 811 W. Laurel St., Independence, KS, 67301. Attn: Downtown Independence Building Grant Application
- Upon receipt of application, City Staff will contact the applicant for review of the application and proposed work.
- Buildings will require a minimum exterior inspection; all building codes, ordinance and other applicable regulations for Central Business District must be met. A written report will be provided to the review committees.
- After a complete application is received, a 45-day review period will commence for review by the following committees. Each committee shall provide a written recommendation after review.
 - o CBDDB Grant Program Committee
 - City Manager
 - Assistant City Manager – Chair
 - Director of Finance
 - Housing Authority Director (non-voting)
 - Economic Development Advisory Board Representative (non-voting)
 - Building Inspector (non-voting)
 - Main Street Director (non-voting)
 - o Independence Historic Preservation & Resource Commission
- Following approval from abovementioned review committees, applications will go before the Commission for final approval at the next regular commission meeting
- A scope and timeline of work must be submitted to the Building Department within 90 days of notification of approval
- Projects must be completed within 6 months after a building permit is issued. One 6-month extension may be granted with written approval prior to the initial 6-month deadline.
- Contractor(s) utilized to perform improvements must have a current Independence Occupational license, and if appropriate professional license.
- City staff will perform a monthly review of the project and provide written/photographic documentation.
- City staff shall have the right of entry with 24-hour notice, or immediately if imminent danger is present
- All building codes and ordinances will be adhered to during the duration of the project.
- Applicant will provide documentation from a structural engineer that certifies any work relating to the



structural integrity of the building was properly completed.

- Applicant shall be responsible for all safety conditions and compliance with all federal, state, and local laws.
- Any design/scope changes after initial approval must be submitted to the Building Inspector and go through the committee review and commission approval process.
- Failure to obtain approval for the change order could make changes ineligible for funding.



DOWNTOWN INDEPENDENCE BUILDING GRANT

To be completed by the applicant:

Owner of Record (must be applicant): Chris Stemler-Trident Partnerships

Phone: (785)438-7311

Email: christopher@tridentpartnerships.com

Mailing Address: 3321 SW Westover Rd

Property Address: 221W.MAIN

Topeka, KS 66604

Independence, KS 67301

Description of Proposed Improvements:

Full building remodel of interior and exterior. Commercial storefront on first floor and residential units on upper story.

Estimated Total Cost of Improvements: \$ 1,725,144.00

Estimated Cost of Eligible Improvements: \$ _____ Grant Funding Requested: \$ 25,000.00

Anticipated Project Start Date: 1/1/23

Anticipated Project Completion Date: 12/31/23

Required supplemental documentation:

☒ Detailed breakdown of estimated project expenses, including non-eligible work

☒ Bids/Quotes/Estimates to support estimated project cost.

☐ Architectural/Engineer stamped drawings and Contractor drawings and description of work

☐ Contact Information for lending institution, if financed by a loan

☒ Copy of current insurance policy

☒ Property Tax Statement

Architect / Engineer / Contractor Information:

Contact: Miranda Bruening Phone: 620-205-8487 Email: miranda@echelonad.com

Business Name: Echelon Arch + Design City License: # _____ Services: Architectural

Contact: Pat Tolin Phone: (785)260-6639 Email: PatT@theMCPGROUP.com

Business Name: MCP Group City License: # _____ Services: Contracting



Contact: Russ Redford Phone: (316)684-9600 Email: rredford@mkec.com

Business Name: MKEC Engineering City License: # Services: Structural Engineering

Contact: Scott McKinley Phone: (785)273-2447 Email: scott.mckinley@pkmreng.com

Business Name: PKMR Engineering City License: # Services: MEP Engineering

CONCEPTUAL BUDGET
Hagars 221 W Main St.

Estimator |
Date |

BrianMurphy
11/9/2022

DIVISION	DESCRIPTION	COST
Division 1	Site Supervision	\$123,915
	Project Management	\$14,949
Division 2	Site Conditions	\$87,946
Division 3	Concrete	\$13,750
Division 4	Masonry	\$125,000
Division 5	Steel	\$41,643
Division 6	Carpentry	\$186,964
Division 7	Thermal and Moisture Protection	\$159,141
Division 8	Doors and Windows	\$88,798
Division 9	Finishes	\$206,797
Division 10	Specialties	\$19,375
Division 11	Equipment	\$8,100
Division 12	Furnishings	\$12,225
Division 13	Special Construction	\$0
Division 14	Conveying Systems	\$0
Division 21	Fire Suppression	\$31,384
Division 22	Plumbing	\$55,500
Division 23	HVAC	\$76,000
Division 26	Electrical	\$112,438
Division 31	Sitework	\$9,678
Division 32	Site Improvements	\$12,600
Division 33	Site Utilities	\$55,100
	General Conditions	
	Schedule and PM Software	\$12,494
	Safety	\$4,261
	Field Office	\$6,263
	Temporary Toilets	\$2,100
	Plans and Printing	\$1,500
Subtotal Construction Costs		\$1,467,919
General Liability Insurance		\$12,324
Contractor Overhead		\$44,035
Contractor Fee		\$44,035
Total Construction Costs		\$1,568,313
Estimating Contingency 10%		\$156,831
Total Construction Costs w/Contingency		\$1,725,144

EXECUTIVE SUMMARY	
Plans Dated	10/19/2022
Plans Titled	Hagars
Sales Tax Rate:	9.15%
Site Sq. Ft.	N/A
Building Sq. Ft.	7,846
Total Units 2 living 2 retail	4
Cost per Sq. Ft.	\$219.88
Cost per Unit	\$431,286
Construction Duration	5- 6 Months
Anticipated Construction Start	1st Q 2023
STANDARD EXCLUSIONS	
Permit Fees	Development Fees + Permits
Tap Fees	Utility Company Fees
Meter Fees	Utility Usage Fees
Design Fee	Hazardous Material Abatement
Shoring	Dry/Wet Utility Extensions
Signage	Temp Heat/Cooling
Performance + Payment Bonds	Winter Conditions
Site Disturbance Permits	Asbestos Abatement
Builders Risk Insurance	Lead Paint Abatement
Furniture, Fixtures, Equipment	Builders' Risk Deductible
Audio Visual Equipment	OCIP Insurance
Telecommunication Equipment	Rock + Excavation
Temporary Utility Services for Construction	Unsuitable Soils
Prevailing/Davis Bacon Wages	ERRC Testing/Systems
POTENTIAL ALTERNATE/OPTIONAL COSTS	
Building Permit Fee Allowance	\$9,732
Builders Risk Insurance	\$13,693



By agreeing to participate in this program, the applicant or their architects, engineers, contractors, or others will not seek to hold the City or their agents, employee, officers, and/or Commissioners liable for any property damage, personal injury, or other loss related in any way to the Downtown Independence Building Grant Program.

By signing below, I agree to the participate in the program as outlined, to provide all required information and verifications of work, and to maintain the property and improvements, including, but not limited to promptly removing graffiti, sweeping, and shoveling in front of the property. I certify that to the best of my knowledge all the information provided is truthful and factual. I understand that by participating in this Program, I give my consent for City staff to enter my property to make inspections related to the program and that photos taken of my property can be used in City promotional materials. Monies granted through this program will be reported on IRS Form 1099-G.

Signature of applicant (owner): _____ Date: ____/____/____

Applications may be emailed to: davidc@independenceks.gov or sent to:
City Hall, 811 W. Laurel St., Independence, KS, 67301. Attn: CBDCEB Grant Application

FOR CITY OFFICE USE BELOW

___ Improvements are Eligible for Grant

___ Real Estate Taxes Current ___ City Bills Current

___ Required Supplemental Documentation Received

___ Before Pictures Taken

___ Funding Available

___ Building Permit Required (Yes/No) ___ Building Permit Issued Permit No. _____

Initial Inspection of Property/Project: ____/____/____ See Attached Inspection Sheet

Application Approval Date: ____/____/____ Approved By: _____

Project Completion Date: ____/____/____ Reviewed By: _____

Program Close-Out Documentation

___ After Pictures Taken

___ Improvements Meet City Code and Building Requirements

___ Receipts Received (50% Completion) Date: ____/____/____

Amount: \$ _____ Payment (25%): \$ _____ By: _____

___ Receipts Received (100% Completion) Date: ____/____/____

Amount: \$ _____ Payment (25%): \$ _____ By: _____

Information contained in this document will be confidential and only used for the purpose of granting the application.



Hagars 221 W Main St.

Detailed Breakdown

Spec Section	Description	Quantity	Unit	Unit Price	Subcontract Amount	Unit Price	Materials & Equipment	Man Hours	Labor	Total
Division 2										
20000	Site Conditions									
	Jobsite Security	1	ls	MCP	\$2,657	\$0.00	\$0	0	\$0	\$2,657
	Project Signage	1	ls	MCP	\$986	\$0.00	\$0	0	\$0	\$986
	On-Site Safety	1	ls	MCP	\$3,500	\$0.00	\$0	0	\$0	\$3,500
	Temporary Fence	1	ls	MCP	\$2,579	\$0.00	\$0	0	\$0	\$2,579
	Miscellaneous Materials	1	ls	MCP	\$4,271	\$0.00	\$0	0	\$0	\$4,271
	Miscellaneous Rentals	1	ls	MCP	\$1,314	\$0.00	\$0	0	\$0	\$1,314
	Demolition	7,550	sf		\$0	\$0.80	\$6,040	640	\$41,600	\$47,640
	Abatement	1	ls	\$25,000.00	\$25,000	\$0.00	\$0	0	\$0	\$25,000
		1	ls		\$0	\$0.00	\$0	0	\$0	\$0
	Total Site Conditions									\$87,946
Division 3										
30000	Concrete									
	Concrete Testing	1	ls	MCP	\$0	\$0.00	\$0	0	\$0	\$0
	Concrete	550	sf	\$25.00	\$13,750	\$0.00	\$0	0	\$0	\$13,750
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Concrete									\$13,750
Division 4										
40000	Masonry									
	Masonry Testing	1	ls	MCP	0	\$0.00	\$0	0	\$0	\$0
	Masonry Repair/restoration	1	ls	\$125,000.00	\$125,000	\$0.00	\$0	0	\$0	\$125,000
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Masonry									\$125,000
Division 5										
50000	Steel									
	Steel Testing	1	ls	MCP	\$0	\$0.00	\$0	0	\$0	\$0
	Equipment and Fuel	1	ls	MCP	\$1,643	\$0.00	\$0	0	\$0	\$1,643
	Misc Steel	1	ls	\$15,000.00	\$15,000	\$0.00	\$0	0	\$0	\$15,000
	Fire escape	1	ls	\$25,000.00	\$25,000	\$0.00	\$0	0	\$0	\$25,000
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Steel									\$41,643
Division 6										
60000	Carpentry									
	Daily Cleanup	1	ls	MCP	\$12,979	\$0.00	\$0	0	\$0	\$12,979



Hagars 221 W Main St.

Detailed Breakdown

Spec Section	Description	Quantity	Unit	Unit Price	Subcontract Amount	Unit Price	Materials & Equipment	Man Hours	Labor	Total
	Dumpsters	1	ls	MCP	\$4,928	\$0.00	\$0	0	\$0	\$4,928
	Framing Foreman	2	mo	\$14,875.00	\$29,750	\$0.00	\$0	0	\$0	\$29,750
	New walls	387	lf		\$0	\$32.00	\$12,384	300	\$19,500	\$31,884
	Ceilings	3,440	sf	\$8.50	\$29,240	\$0.00	\$0	0	\$0	\$29,240
	Finish Carpentry	7,846	sf	\$2.50	\$19,615	\$2.00	\$15,692	0	\$0	\$35,307
	Shelving	90	lf		\$0	\$8.50	\$765	10	\$650	\$1,415
	Base	1,514	lf		\$0	\$6.50	\$9,841	38	\$2,460	\$12,301
	Counter tops	126	sf	\$120.00	\$15,120	\$0.00	\$0	0	\$0	\$15,120
	Stair rebuild	1	ls	\$12,000.00	\$12,000	\$0.00	\$0	0	\$0	\$12,000
	Stair infill	80	sf	\$0.00	\$0	\$12.50	\$1,000	16	\$1,040	\$2,040
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Carpentry									\$186,964
	Division 7									
70000	Thermal Moisture Protection									
	remove and replace roof	1	ls	\$108,000.00	\$108,000	\$0.00	\$0	0	\$0	\$108,000
	Spray foam insulation	4,025	sf	\$4.50	\$18,113	\$0.00	\$0	0	\$0	\$18,113
	Building Insulation	3,440	sf	\$1.00	\$3,440	\$0.00	\$0	0	\$0	\$3,440
	Caulking	1	ls	\$6,000.00	\$6,000	\$0.00	\$0	0	\$0	\$6,000
	Intumecent Paint	3,629	sf	\$6.50	\$23,589	\$0.00	\$0	0	\$0	\$23,589
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Thermal Moisture Protection									\$159,141
	Division 8									
80000	Doors and Windows									
	New windows	11	ea	\$3,500.00	\$38,500	\$0.00	\$0	0	\$0	\$38,500
	Window re-hab	9	ea	\$2,500.00	\$22,500	\$0.00	\$0	0	\$0	\$22,500
	Exterior door	3	ea	\$2,500.00	\$7,500	\$0.00	\$0	0	\$0	\$7,500
	Interior doors	24	ea	\$650.00	\$15,600	\$0.00	\$0	0	\$0	\$15,600
	Door hardware	34	ea	\$125.00	\$4,250	\$0.00	\$0	0	\$0	\$4,250
	Mirrors	56	sf	\$8.00	\$448	\$0.00	\$0	0	\$0	\$448
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Doors and Windows									\$88,798
	Division 9									
90000	Finishes									
	Drywall	12,728	sf	\$2.50	\$31,820	\$0.00	\$0	0	\$0	\$31,820
	Plaster repair	3,900	sf	\$4.50	\$17,550	\$0.00	\$0	0	\$0	\$17,550
	Painting	7,846	sf	\$4.00	\$31,384	\$0.00	\$0	0	\$0	\$31,384



Hagars 221 W Main St. Detailed Breakdown

Spec Section	Description	Quantity	Unit	Unit Price	Subcontract Amount	Unit Price	Materials & Equipment	Man Hours	Labor	Total
	Tile	295	sf	\$15.00	\$4,425	\$0.00	\$0	0	\$0	\$4,425
	Wall tile	485	sf	\$16.00	\$7,760	\$0.00	\$0	0	\$0	\$7,760
	Flooring	5,900	sf	\$12.50	\$73,750	\$0.00	\$0	0	\$0	\$73,750
	ACT	585	sf	\$4.50	\$2,633	\$0.00	\$0	0	\$0	\$2,633
	LVT	585	sf	\$6.50	\$3,803	\$0.00	\$0	0	\$0	\$3,803
	Finish Foreman	2	mo	\$14,875.00	\$29,750	\$0.00	\$0	0	\$0	\$29,750
	Final Cleaning	1	ls	MCP	\$3,923	\$0.00	\$0	0	\$0	\$3,923
	Total Finishes									\$206,797
	Division 10									
100000	Specialties									
	Restroom Accessories	5	ea	\$450.00	\$2,250	\$0.00	\$0	0	\$0	\$2,250
	knox box	1	ea	\$500.00	\$500	\$0.00	\$0	0	\$0	\$500
	Postal specialties	5	ea	\$150.00	\$750	\$0.00	\$0	0	\$0	\$750
	signage	1	ls	\$15,000.00	\$15,000	\$0.00	\$0	0	\$0	\$15,000
	fire extinguishers	5	ea	\$175.00	\$875	\$0.00	\$0	0	\$0	\$875
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Specialties									\$19,375
	Division 11									
110000	Equipment									
	Residential Appliances	2	ea	\$4,050.00	\$8,100	\$0.00	\$0	0	\$0	\$8,100
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Equipment									\$8,100
	Division 12									
120000	Furnishings									
	Residential Casework	77	lf	\$125.00	\$9,625	\$0.00	\$0	0	\$0	\$9,625
	Window Blinds	20	ea	\$130.00	\$2,600	\$0.00	\$0	0	\$0	\$2,600
	Total Furnishings									\$12,225
	Division 21									
210000	Fire Suppression									
	fire sprinkler	7,846	sf	\$4.00	\$31,384	\$0.00	\$0	0	\$0	\$31,384
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Fire Suppression									\$31,384
	Division 22									
220000	Plumbing									
	Units	2	ea	\$14,000.00	\$28,000	\$0.00	\$0	0	\$0	\$28,000



Hagars 221 W Main St. Detailed Breakdown

Spec Section	Description	Quantity	Unit	Unit Price	Subcontract Amount	Unit Price	Materials & Equipment	Man Hours	Labor	Total
	Public	3	ea	\$11,000.00	\$27,500	\$0.00	\$0	0	\$0	\$27,500
	Total Plumbing									\$55,500
	Division 23									
230000	HVAC									
	Temporary Heat/AC/Enclosures	1	ls	MCP	\$12,000	\$0.00	\$0	0	\$0	\$12,000
	Units	3	ea	\$12,000.00	\$36,000	\$0.00	\$0	0	\$0	\$36,000
	retail	2	ea	\$14,000.00	\$28,000	\$0.00	\$0	0	\$0	\$28,000
	Total HVAC									\$76,000
	Division 26									
260000	Electrical									
	Temporary Electric (Job Trailer)	1	ls	MCP	\$0	\$0.00	\$0	0	\$0	\$0
	Electrical	2	ea	\$22,000.00	\$44,000	\$0.00	\$0	0	\$0	\$44,000
	Retail	2	ea	\$25,000.00	\$50,000	\$0.00	\$0	0	\$0	\$50,000
	F/A	7,846	sf	\$0.90	\$7,061	\$0.00	\$0	0	\$0	\$7,061
	Low voltage	7,846	sf	\$1.45	\$11,377	\$0.00	\$0	0	\$0	\$11,377
	Total Electrical									\$112,438
	Division 31									
310000	Earthwork									
	Staking and Surveying	1	ls	MCP	\$4,750	\$0.00	\$0	0	\$0	\$4,750
	Temporary Roads/Staging	1	ls	MCP	\$0	\$0.00	\$0	0	\$0	\$0
	Traffic Control	1	ls	MCP	\$4,928	\$0.00	\$0	0	\$0	\$4,928
	Soils Testing	1	ls	MCP	\$0	\$0.00	\$0	0	\$0	\$0
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Earthwork									\$9,678
	Division 32									
320000	Site Improvements									
	Concrete	700	sf	\$18.00	\$12,600	\$0.00	\$0	0	\$0	\$12,600
					\$0	\$0.00	\$0	0	\$0	\$0
	Total Site Improvements									\$12,600
	Division 33									
330000	Site Utilities									
	Sanitary Sewer	80	lf	\$220.00	\$17,600	\$0.00	\$0	0	\$0	\$17,600
	Water Distribution	150	lf	\$250.00	\$37,500	\$0.00	\$0	0	\$0	\$37,500
	Storm Sewer				\$0	\$0.00	\$0	0	\$0	\$0
	Storm Sewer Detention				\$0	\$0.00	\$0	0	\$0	\$0



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Hagars 221 W Main St.
Detailed Breakdown

Spec Section	Description	Quantity	Unit	Unit Price	Subcontract Amount	Unit Price	Materials & Equipment	Man Hours	Labor	Total
Total Site Utilities										\$55,100

Qualifications and Assumptions

Division 1

Assumes a 6 month project. Excludes hazardous material testing and special inspections.
Includes an allowance of \$12,000 for temp heat and building power during construction.

Division 2

Includes demo of site and selective demo of building interiors.
Excludes any testing of hazardous materials. An Abatement allowance of \$25,000 is included.

Division 3

Includes interior utility trench infill.

Division 4

Includes an allowance of \$125,000 for masonry restoration and repair.

Division 5

Includes exterior steel fire escape stairs and railings .

Division 6

Includes all rough carpentry, wood blocking, exterior decking, finish carpentry labor
Wood base, closet shelving, and stone counter tops.

Division 7

Includes ,flashings, gutters and downspouts, exterior caulking, building insulation for
partition wall insulation, metal trims, Intumescent paint and open cell spray foam roof insulation.

Division 8

Includes all doors and hardware, replacement windows, window restoration and mirrors.
Excludes storefront glass replacement.

Division 9

Includes drywall, plaster repair, painting, floor finishes, and tile.
Flooring Assumptions include tile retail spaces, wood floor restoration, with tile restrooms.
Assumes tile tub and shower surrounds, wainscot tile in retail restrooms, tile back splashes in kitchens.

Division 10

Includes signage, Knox boxes, restroom accessories, mailboxes, fire extinguishers.
A signage allowance of \$15,000 is included.

Division 11

Includes residential appliances for 2 units. Includes washers and dryers.

Division 12

Includes residential casework for 2 units.
Includes louvered window blinds at residential units.

Division 14

Not used

Division 21

Includes new NFPA 13 fire sprinkler. Excludes Fire pump if required

Division 22

Includes a new water, waste, vents and fixtures in all new units and public restrooms.
Assumes Pex, PVC and CPVC are allowable, builder grade fixtures.
Individual water heaters assumes all electric.

Division 23

Includes individual split systems with roof or ground mounted condensers and restroom venting.
Assumes all electric. Includes HVAC split systems and restroom venting in lease areas.

Division 26

Includes complete new power distribution, switching and light fixtures. Includes fire alarm and
cable installation. Lease space has new entry equipment, lighting, code compliant
egress lighting and F/A. Assumes all units are individual meters.

Division 31

Includes traffic control. Excludes any termite treatments.

Division 32

Includes 700 sf concrete replacement at entries, utility trenches and rear egress.

Division 33

Includes new 6" fire line to building (150 lf), New domestic water lines (150 lf), New
sanitary sewer lines (80 lf) .
Excludes meters and access fees.



NANCY CLUBINE
MONTGOMERY CO TREASURER
PO BOX 767
INDEPENDENCE, KS 67301
620-330-1100

TAX YEAR	STATEMENT#	TAXPAYER ID	TAXPAYER NAME(S)
2022	71837	HERR0010	GARY E HERRIMAN & LEANNA J HERRIMAN

PROPERTY DETAILS

Owner..GARY E HERRIMAN &
LEANNA J HERRIMAN
Parcel.112- 920
CAMA #.114-19-0-30-16-003-00-0-01
Subdiv.H01 Blk. 6 Lots.9 TO 12
Sec....19 Twn.33 Rng.17

Unit.LIBERTY-SD445-CCC-CD13-LBTY TW
Legal.LC 000152

Address. 221 W MAIN ST

Deed Information:
HERRIMAN, GARY E
PO BOX 72

LEANNA J HERRIMAN
LIBERTY, KS 67351-0072

Values: Code.RU Land. 981 Impr. 2592 Penalty. 0 Tax. 578.06
Levy. 181.78300
Real Estate Tax Amount.....

Ag Acres. .2
1st Half 289.03
2nd Half 289.03
Total Tax 578.06

TOTAL TAXES THIS STATEMENT 289.03
TOTAL PAID THIS STATEMENT .00
TOTAL DUE THIS STATEMENT 289.03

578.06 *
.00 *
578.06 *

PLEASE MAKE
PAYMENT TO:

MONTGOMERY CO TREASURER
PO BOX 767
INDEPENDENCE, KS 67301

TAX DISTRIBUTION SUMMARY						
State...	5.36	City....	122.36	School..	83.87	Special Assessments
County..	172.17	Township	.00	Library.	5.33	Total..
Fire....	8.31	Cemetery	3.61	Other...	177.05	.00

YOUR ASSESSED VALUE				
Property Class	2021	2022	Value Change	% Change
Residential*	3,324	3,573	249	7.5
Non-Residential	0	0	0	.0
TOTAL	3,324	3,573	249	7.5

* The first \$2300 in residential assessed value is exempt from the Statewide USD Mill Levy.

YOUR MILL LEVIES				YOUR TAXES			
Taxing Authority	2021	2022	% Chg	2021	2022	\$ Chg	% Chg
STATE	1.50000	1.50000	.0	4.98	5.36	.38	7.6
COUNTY	52.11700	48.18000	-8.2	173.23	172.17	-1.06	-.6
STATEWIDE USD*	20.00000	20.00000	.0	20.48		-20.48	
USD 445	24.08600	23.47500	-2.6	80.06	83.87	3.81	4.8
Liberty City (3CL)	37.90900	34.24500	-10.7	126.01	122.36	-3.65	-3.0
Liberty Twp/Liberty	.08800			.29		-.29	
SEK Library - Allen	1.53500	1.49300	-2.8	5.11	5.33	.22	4.3
Rural Fire Dist. #1	2.17400	2.32500	6.9	7.23	8.31	1.08	14.9
#13 LIBERTY	1.18500	1.01000	-17.3	3.94	3.61	-.33	-9.1
General Fund - CCC	41.60900	41.41300	-.5	138.31	147.97	9.66	7.0
Capital Outlay - CCC	1.99400	1.99100	-.2	6.63	7.11	.48	7.2
Rec Comm Emp Bene. USD44	.76200	.79600	4.5	2.53	2.84	.31	12.3
* MORE AUTHORITIES EXIST	5.37300	5.35500	-.3	17.86	19.13	1.27	7.1
TOTAL	190.33200	181.78300	-4.7	586.66	578.06	-8.60	-1.5

REVENUE FROM PROPERTY TAX LEVIES				
Taxing Authority	From 2021	From 2022	\$ Change	% Change
STATE	487,731.09	529,372.35	41,641.26	8.5
COUNTY	16,987,235.68	17,006,613.29	19,377.61	.1
STATEWIDE USD*	2,398,600.18	2,374,367.33	-24,232.85	-1.0
USD 445	3,166,365.34	3,262,493.26	96,127.92	3.0
Liberty City (3CL)	20,745.17	20,743.73	-1.44	
Liberty Twp/Liberty	48.21	.16	-48.05	-31.3
SEK Library - Allen	229,894.07	241,707.22	11,813.15	5.1
Rural Fire Dist. #1	446,949.69	499,086.58	52,136.89	11.7
#13 LIBERTY	8,723.02	8,705.96	-17.06	-.2
General Fund - CCC	7,697,017.64	8,134,228.91	437,211.27	5.7
Capital Outlay - CCC	368,858.30	391,077.83	22,219.53	6.0
Rec Comm Emp Bene. USD44	100,007.02	110,606.41	10,599.39	10.6
* MORE AUTHORITIES EXIST	522,875.73	552,845.63	29,969.90	5.7
TOTAL	32,435,051.14	33,131,848.66	696,797.52	2.1

Taxes are collectable after 11-1-2022
2nd Half is DUE BY May 10th, 2023
2nd HALF TAX AMOUNT DUE \$289.03
REAL ESTATE 2022
Statement # 0071837 TX ID.HERR0010

Taxes are collectable after 11-1-2022
1st Half is DUE BY December 20, 2022
1st HALF TAX AMOUNT DUE \$289.03
REAL ESTATE 2022
Statement # 0071837 TX ID.HERR0010

GARY E HERRIMAN &
LEANNA J HERRIMAN
PO BOX 72
LIBERTY, KS 67351

GARY E HERRIMAN &
LEANNA J HERRIMAN
PO BOX 72
LIBERTY, KS 67351

RECEIPT
REQUESTED?



RECEIPT
REQUESTED?



CENTRAL BUSINESS DISTRICT COMMERCIAL BUILDING GRANT

TOTAL FUNDING	\$	100,000.00
EST. ALLOCATED	\$	35,613.65
EST. REMAINING	\$	64,386.36
TOTAL COST OF PROJECTS	\$	211,780.58
RETURN ON INVESTMENT		5.95

ADDRESS	OWNER	APPROVAL DATE	PAID DATE	ESTIMATED TOTAL EXPENDITURES	ESTIMATED ELIGIBLE EXPENDITURES	ESTIMATED REIMBURSEMENT	IMPROVEMENT TYPE
111 E Main	Jeanna Smith	6/9/2022	8/12/2022	\$ 30,150.00	\$ 30,150.00	\$ 7,537.50	New Roof & substrate
123 N 8th	Independence Historical Museum			\$ 169,326.00	\$ 169,326.00	\$ 25,000.00	Exterior windor, door, rails, and grating repair and paint; storm window installation



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting an ordinance regulating political signs.

SUMMARY RECOMMENDATION Adopt the ordinance.

BACKGROUND On December 6, 2022 the Planning Commission recommended adopting a text amendment to the zoning code regarding temporary signs.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to accept the recommendation of the Planning Commission and adopt Ordinance No. 4425 regulating political signs.

SUPPORTING DOCUMENTS

1. Ordinance 4425 - Regulating Political Signs
2. 12062022-RPCA-TempSigns
3. Unapproved December 6 2022 PZ Minutes

ORDINANCE NO. 4425

An Ordinance Regulating Political Signs

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. Section 803.3(a) is amended as follows to read in its entirety:

Section 803.3 Temporary signs: all political signs, real estate signs, garage sale signs, or other signs of a temporary nature for a personal gain shall conform with the following requirements:

- a. No temporary signs of any nature shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, provided however, this subsection shall not apply to the placement of political signs during the 45 day period prior to any election and the 2 day period following any such election.
- b. This ordinance shall take effect upon its publication in the official city newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 22nd day of December, 2022.

DEAN A. HAYSE, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk



**REQUEST FOR PLANNING COMMISSION ACTION
HEARING FOR A TEXT AMENDMENT TO THE ZONING
CODE RELATING TO TEMPORARY SIGNS.
CITY OF INDEPENDENCE
DECEMBER 6, 2022**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public hearing to consider a text amendment to the zoning code relating to temporary signs.

SUMMARY RECOMMENDATION

BACKGROUND The City Commission initiated a public hearing before the Planning and Zoning Commission to consider a text amendment to the zoning code relating to political signs in order to comply with State statutes.

Current City Code states: 803.3. Temporary signs: All political signs, real estate signs, garage sale signs, or other signs of a temporary nature for a personal gain shall conform with the following requirements: a. No temporary signs of any nature shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street. b. It shall be the responsibility of the owner of the property on which the temporary sign is located to see that the sign is removed after the event occurs to which it pertains. c. Temporary signs shall not exceed eight square feet in face area. d. Temporary signs shall be located at least ten feet from any property line.

Proposed text amendment to be in compliance with K.S.A. 25-2711: “K.S.A. 25-2711. Placement of political signs during election period. No city or county shall regulate or prohibit the placement of or the number of political signs on private property or the unpaved right-of-way for city streets or county roads on private property during the 45-day period prior to any election and the two-day period following any such election. Cities and counties may regulate the size and a set-back distance for the placement of signs so as not to impede sight lines or sight distance for safety reasons.”

Section 803.3 Temporary signs: all political signs, real estate signs, garage sale signs, or other signs of a temporary nature for a personal gain shall conform with the following requirements: a. No temporary signs of any nature shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, provided however, this subsection shall not apply to the placement of political signs during the 45 day period prior to any election and the 2 day period following any such election. b. This ordinance shall take effect upon its publication in the official city newspaper.

POLICY EXPLANATION When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the planning commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items: a. Whether such change is consistent with the intent and purpose of these regulations; b. The areas which are most likely to be directly affected by such change and in what way they

will be affected; and c. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts or other social economic conditions in the areas and zoning districts affected

STAFF RECOMMENDATION City Staff recommends approving the text amendment to be in compliance with K.S.A. 25-2711.

SUGGESTED MOTION I move to approve a text amendment to Section 803.3 Temporary signs: all political signs, real estate signs, garage sale signs, or other signs of a temporary nature for a personal gain shall conform with the following requirements: a. No temporary signs of any nature shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, provided however, this subsection shall not apply to the placement of political signs during the 45 day period prior to any election and the 2 day period following any such election. b. This ordinance shall take effect upon its publication in the official city newspaper. The nature and effect of this amendment is to be in compliance with State law.

SUPPORTING DOCUMENTS

1. 10262022 - RCA -- Initiate Political Sign Text Amendment
2. Proposed Ordinance - Regulating Political Signs



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
October 26, 2022

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider initiating a public hearing before the Planning Commission to consider a text amendment to the zoning code regarding temporary signs.

SUMMARY RECOMMENDATION Recommend initiating a public hearing on December 6, 2022 at 5:30 PM before the Planning Commission.

BACKGROUND It has come to the attention of City staff that the City code needs to be updated to be in compliance with K.S.A. 25-2711 which states:

“K.S.A. 25-2711. Placement of political signs during election period. No city or county shall regulate or prohibit the placement of or the number of political signs on private property or the unpaved right-of-way for city streets or county roads on private property during the 45-day period prior to any election and the two-day period following any such election. Cities and counties may regulate the size and a set-back distance for the placement of signs so as not to impede sight lines or sight distance for safety reasons.”

The City Attorney has reviewed our City code and recommends the modifications as included in the attached draft ordinance. Since this code change is found in the zoning code, it will require a public hearing to consider a text amendment before the Planning Commission.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to initiate a public hearing on December 6, 2022 at 5:30 PM before the Planning Commission to consider a text amendment to the zoning code relating to temporary signs.

SUPPORTING DOCUMENTS

1. Ordinance ____ - Regulating Political Signs

ORDINANCE NO. _____

An Ordinance Regulating Political Signs

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. Section 803.3(a) is amended as follows to read in its entirety:

Section 803.3 Temporary signs: all political signs, real estate signs, garage sale signs, or other signs of a temporary nature for a personal gain shall conform with the following requirements:

- a. No temporary signs of any nature shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, provided however, this subsection shall not apply to the placement of political signs during the 45 day period prior to any election and the 2 day period following any such election.
- b. This ordinance shall take effect upon its publication in the official city newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 22nd day of December, 2022.

DEAN A. HAYSE, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

I. Call to Order

Present: Tim Haynes, Kendall Neill, Lisa Richard, Anthony (Tony) Royse, Rachel Lyon, Andy McLenon, Michelle Anderson

Absent: Mary Jo Meier, Brent Littleton

Guests: Morris Quigley, Billie Jo Quigley, Chuck Beale, Abby Beale, Judith Umlauf, Kyle Owens, Barbara Phillips

II. Minutes

- a. Consider approving minutes of the November 1, 2022 Planning and Zoning meeting.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission approved the minutes of the November 1, 2022 Planning and Zoning meeting.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

III. Board of Zoning Appeals (Does not include outside City appointments)

- a. Public Hearing to receive comments on a variance request to exceed size and number of signs in a C-3, business district zone at 113 W. Myrtle Street.

Kendall Neill opened the public hearing.

This item was adjourned from the Tuesday, November 1, 2022 meeting. It was explained that the applicant asked for the meeting to be adjourned to the February 7, 2022 Planning Commission and Board of Zoning meeting.

Motion:

On the motion of Kendall Neill, seconded by Tim Haynes the Commission adjourned the public hearing to consider a variance to exceed the size and number of signs in a C-3, central business district at 113 W. Myrtle Street to February 7, 2022 at 5:30 pm.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

- b. Public Hearing to receive comments on a variance request for accessory uses as "permanent occupancy as housekeeping units" at 701 Taylor Road and 2423 Linda Jean Drive.

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting

Kendall Neill opened the public hearing.

Chuck Beale stated that the garage itself is 900 square feet, 25 x 36.

Tony Royse asked if the utilities are separated or shared and does each structure have their own meter.

Chuck Beale stated that the electric and water is separated.

Tim Haynes asked if each structure had its own driveway and whether there were any concerns about emergency services.

Chuck Beale said yes, there are two driveways. There is still one stall for the garage. The remodeled part is a studio apartment. There is a driveway off of Taylor and one off of Linda Jean.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission authorized a variance for "permanent occupancy as housing units" as an accessory use at 701 Taylor Road (also known as 2423 Linda Jean Drive).

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Kendall Neill, Lisa Richard

Nay: Anthony (Tony) Royse

IV. Planning Commission

- a. Public Hearing to receive comments to consider rezoning a tract of land at 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multifamily dwelling district.

Kendall Neill opened the public hearing.

Anthony Royse felt that there is a difference with the garage being used as a "mother-in-law" type housing and multi-family housing. The R-1 zoning is large lot with a big yard and this is nothing but a spot zoning which only benefits the property owner and is a disadvantage to the nearby land owners. In looking at a two-family structure that has to be 4,000 square foot, does that mean each structure has to be 4,000 square foot or larger? With the rezoning there are large business that could go in and they do not belong in an R-1 neighborhood. This is not a place for an R-3. There is no benefit.

Kelly Passauer said no, the 4,000 square foot per dwelling unit is the lot area

and the lot is 20,000 square feet.

Lisa Richard asked why the rezoning is needed since a variance was just issued.

Kelly Passauer said that the variance was needed to allow the garage to be rented out to another family long-term since that is not allowed by City code. Rezoning to R-3 seemed the best way to allow more than one family to reside on one lot. The most this type of low density zoning would allow would be a duplex or triplex.

Kendall Neill closed the public hearing.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission approved rezoning a tract of land at 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multi-family district.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard

Nay: Anthony (Tony) Royse

- b. Public hearing to receive comments on a request for a conditional use permit for "Antiques - Retail" in a C-1 neighborhood business district at 504-506 South 10th Street.

Kendall Neill opened the public hearing.

Rachel Lyon told the applicants that they had cleaned up the area very well.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission approved a conditional use permit for "Antiques-Retail" in a C-1 neighborhood business district at 504-506 South 10th Street with the following conditions:

1. The conditional use permit is not transferable to another property owner or to another location.
2. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes. This would include the requirement to acquire a City occupation license which must be renewed annually.
3. The exterior of the property must be cleaned up and kept clean to meet City code.

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

- c. Public hearing to receive comments to consider rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district to C-2, commercial services district.

Kendall Neill opened the public hearing.

Discussion was had about how many car washes there are in town and how this has been a topic of debate lately.

Kendall Neill closed the public hearing.

Lisa Richard does not think the intent of the Comprehensive Plan was to make the area between the downtown and the railroad tracks commercial. She stated that one of the goals is to phase out commercial businesses from residential areas and R-3 was to be used as a buffer. She recommended that the Board table the hearing until they could go over the Comprehensive Plan to make sure that it is being followed.

Kendall Neill reminded the Board that there are several C-2 businesses right there in the same area. Going back and using the 1982 Comprehensive Plan as the basis of our decisions is difficult to do because it is so outdated in terms of how the world operates today.

Kelly Passauer said that if the rezoning is approved the side and rear yard setbacks adjoining residential will be 25 feet.

Lisa Richard asked if the company would be doing a variance on that next.

Kelly Passauer said it depends how they develop it.

Rachel Lyon said that things have changed in forty years, it does not have the same residential appeal. She does not know of any problems with the other car washes.

Kelly Passauer said that you could include a privacy fence as a condition of rezoning.

Lisa Richard said housing was eliminated for the other businesses and now another home is being eliminated and we are caving in to every little step because we do not want to be considered anti-business.

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting

Kendall Neill said that Independence is growing and the value of the downtown housing project is going to go up. Because of this carwash project, many businesses will benefit from building the carwash and the City will receive revenue. The spot we are talking about is a sore spot to people driving through the city. It will end up being a nice looking building that will be kept nice.

Tony Royse stated that this item is not about the car wash but about rezoning. If it is rezoned as a C-2 there are several businesses that could go in there that would not be appropriate to a residential neighborhood. There is no way to buffer noise and trash from a carwash and the residential neighborhood.

Andy McLenon said this board has been talking about the Comprehensive Plan for the last ten years. This location is going to become a C-2 whether we like it or not. No one is going to construct a brand new home right there on a major thoroughfare. If we do not pick up the bill to rezone this area, the City will pick up the bill for demolishing it.

Lisa Richard moved to table the public hearing until the next meeting to discuss when there is more information about what the intent is for that area. If the Comprehensive Plan is not going to be used then it should not be brought up. The vote died due to lack of a second.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Kendall Neill the Commission approved rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multi-family dwelling district to C-2, commercial services district.

Aye: Michelle Anderson, Rachel Lyon, Andy McLenon, Kendall Neill, Anthony (Tony) Royse

Nay: Lisa Richard

Abstain: Tim Haynes because he could not decide

- d. Public hearing to consider a text amendment to the zoning code relating to temporary signs.

Kendall Neill opened the public hearing.

The City Commission initiated a public hearing before the Planning and Zoning Commission to consider a text amendment to the zoning code relating to political signs in order to comply with State statutes. The proposed text amendment to be in compliance with K.S.A. 25-2711. Placement of political signs during election period. No city or county shall regulate or prohibit the

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

placement of or the number of political signs on private property or the unpaved right-of-way for city streets or county roads on private property during the 45-day period prior to any election and the two-day period following any such election. Cities and counties may regulate the size and a set-back distance for the placement of signs so as not to impede sight lines or sight distance for safety reasons.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Anthony (Tony) Royse the Commission approved a text amendment to Section 803.3 Temporary signs: all political signs, real estate signs, garage sale signs, or other signs of a temporary nature for a personal gain shall conform with the following requirements: a. No temporary signs of any nature shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, provided however, this subsection shall not apply to the placement of political signs during the 45-day period prior to any election and the 2-day period following any such election. b. This ordinance shall take effect upon its publication in the official city newspaper. The nature and effect of this amendment is to be in compliance with State law.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

- e. Consider initiating the rezoning of a tract of land at 800 N. 21st Street to M-1, light industrial district.

On July 29, 2004 the City Commission adopted an ordinance annexing the former SMP property at 800 N 21st Street. Earthcare, who currently owns the property, approached City staff wanting to know how the property was zoned. City staff was unable to locate any documentation that initiated the rezoning of this property after it was annexed. In order to correct this issue, the Planning Commission is being asked to consider initiating rezoning of this parcel to M-1, light industrial district at the January 3, 2023 agenda.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Rachel Lyon the Commission initiated a public hearing on January 3, 2022 to rezone 800 N 21st Street to M-1, light industrial district.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

V. Discussion

VI. Adjournment

UNAPPROVED



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting an ordinance rezoning a tract of land at 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multifamily dwelling district.

SUMMARY RECOMMENDATION Adopt an ordinance approving the rezoning.

BACKGROUND On December 6, 2022 the Planning Commission conducted a public hearing to consider rezoning 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multifamily dwelling district. No one from the notification area commented on the case other than the applicant. The Planning Commission recommended on a six to one vote to approve the rezoning.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to adopt an ordinance rezoning 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multifamily dwelling district.

SUPPORTING DOCUMENTS

1. Ordinance Rezoning 701 Taylor Rd
2. 12062022-RPCA-701Taylor
3. Unapproved December 6 2022 PZ Minutes

ORDINANCE NO. 4420

AN ORDINANCE REZONING LAND FROM R-1, LARGE LOT SINGLE-FAMILY DWELLING DISTRICT TO R-3, LOW DENSITY MULTIFAMILY DWELLING DISTRICT LOCATED AT 701 TAYLOR ROAD.

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. The following described real estate is hereby rezoned from R-1, large lot single-family dwelling district to R-3, low density multifamily dwelling district:

The North 180' Lot 12, Gossetts Add to the City of Independence, Montgomery County, Kansas.

Section 2. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 22nd day of December, 2022.

DEAN A. HAYSE, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk



REQUEST FOR PLANNING COMMISSION ACTION REZONING CITY OF INDEPENDENCE DECEMBER 6, 2022

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public Hearing to receive comments to consider rezoning a tract of land at 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multifamily dwelling district.

SUMMARY RECOMMENDATION Approve the rezoning.

BACKGROUND 502.0. - R-1, large lot single-family dwelling district.

502.1. Intent: The purpose of this district is to provide for large lot single-family residential development of low population density and relatively spacious character together with such public buildings, schools, churches, public recreational facilities and accessory uses, as may be necessary or are normally compatible with residential surroundings.

504.0. - R-3, low density multifamily dwelling district.

504.1. Intent: The intent of this district is to provide for areas [of] moderate density residential development that would provide a transition between low density single-family and high density multifamily areas. The principal use of land is for two-family and three-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced residential area.

At 701 Taylor Road a garage was remodeled as a "mother-in-law" type residence for the mother to live in while the grown children lived in the house. The new property owners, CA Holdings, want to now rent out the garage which can not be done in an R-1, large lot single-family district. An R-3 district allows for multi-family structures.

District	Intensity of Use			Maximum Height		Minimum Yard Requirements		
	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Feet	Stories	Front Yard	Side Yard	Rear Yard
R-1	10,000 sf	80' Except cul-de-sac lots, 35'	30%	35'	2.5	25'	8' Abutting street, 25'	10'
R-2	7,200 sf/du	50' Except cul-de-sac lots, 35'	30%	35'	2.5	25'	8' Abutting street, 25'	10'
R-3	1 fam., 7,200 sf/du 2 fam., 4,000 sf/du 3 fam., 3,000 sf/du	None	35%	35'	2.5	25'	8' Abutting street, 25'	10'

		Permitted Zoning District												
Land Use Category	Code	A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2
Dwelling, in nonresidential structure	1190							C	C		C			
Dwelling, mobile home not on permanent foundation	1151					C	C							
Dwelling, mobile home on permanent foundation	1152					C	C							
Dwelling, multifamily	1130				P	P	P	P			C			
Dwelling, single-family attached	1113				P	P	P	P			C			
Dwelling, single-family detached	1111	C	P	P	P	P	P				C			
Dwelling, two-family	1120				P	P	P				C			

POLICY EXPLANATION Acceptance of a rezoning request must be based on the following factors: A) Character of the neighborhood, B) Zoning and uses of properties nearby, C) Suitability of the subject property for the uses to which it has been restricted, D) Extent to which the proposed use will detrimentally affect nearby property, E) Length of time the subject property has remained vacant as zoned, F) Public gain versus private hardship, G) Economic impact on the owner of the subject property and the economic impact on the surrounding properties, H) Recommendation of City's permanent staff, I) Conformance with the comprehensive plan, J) Availability and adequacy of required utilities and services to serve the proposed use, K) Impact on streets and parking, L) Environmental impacts, M) Ability to meet requirements of applicable codes.

LEGAL ADDRESS N 160' Lot 12, Gossetts Add to the City of Independence, Montgomery County, Kansas.

DESCRIPTION OF TRACT(S) The tract is 160 X 141.5, or 22,640 square feet, lying on the southwest corner of Taylor Road and Linda Jean Drive.

ZONING AND USES OF PROPERTY NEARBY R-1 Residential properties to the east and west and the Country Club across the street to the north.

CHARACTER OF THE NEIGHBORHOOD Large lot single-family residential.

SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED The property is suited to the large lot single-family restrictions.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED The property has not been vacant. The new property owner wants to rent out the garage of the existing property.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY Adding multi-family into a single-family neighborhood could change the dynamic of the area. However, this property was previously utilized as a residence for a relative of the owner, so it is unknown how renting the apartment would differ as it relates to detrimentally affecting the nearby property unless it was rented to several individuals with multiple vehicles.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY, AND WELFARE BY THE DESTRUCTION OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS

It is unknown how the rezoning may affect public health, safety, and welfare, as some of the future influencing factors are unknown, such as how well the rental property is maintained and managed. There is a rental property ordinance that does require rental property to meet Housing Quality Standards (HQS). However, if the property is rented to multiple people, it could increase neighborhood traffic and parking. Regarding the

general public, there is a shortage of quality rental housing, and allowing the rental of this garage apartment would provide one additional housing unit. The hardship to the landowner is if the property is not rezoned the new property owner will not be able to rent the garage apartment separately, in addition to renting the main residential structure on the same lot.

CONFORMANCE WITH THE COMPREHENSIVE PLAN Objectives for providing a range of housing choices:

Objective H2 Encourage the development of a wide range of housing choices.

Policy H21 The opportunity shall be provided for owner-occupied and rental housing in a variety of residential housing types, including multiple-family, mobile homes and small-lot development. Moderate- and high-density uses shall be clustered at appropriate locations and be buffered from low-density residential areas by landscaping or back-to-back separation.

Objective H3 Provide ample amounts of multiple-family housing in suitable locations.

Policy H31 To avoid large amounts of traffic traversing single-family areas, medium to high density multiple-family projects should be located on a major street specifically designated as a collector or arterial. High density multiple-family projects shall be encouraged to be in the area immediately surrounding the CBD, but not limited to this area.

STAFF RECOMMENDATION Considering the current shortage of quality housing units available, City staff recommends approving the rezoning. However, the Planning Commission may wish to consider reviewing future possible text amendments relating to Accessory Dwelling Units (ADU's), such as garage apartments.

SUGGESTED MOTION I move to recommend approving rezoning a tract of land at 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multi-family district.

SUPPORTING DOCUMENTS

1. 701 Taylor Rd Public Hearing Notice and 200 foot Notification
2. 701 Taylor Rd Rezoning App
3. What's Blocking an ADU Boom? -- Planning Magazine -- By Adina Solomon
4. Overcoming Barriers to Bringing Accessory Dwelling Unit Development to Scale -- Enterprise Community Partners -- By Ahmad Abu-Khalaf

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Planning Commission will conduct a public hearing on:

Tuesday, December 6, 2022, at 5:30 p.m.

To receive comments to consider rezoning a tract of land at 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multifamily dwelling district.

Legal Description:

N 160' Lot 12, Gossetts Add to the City of Independence, Montgomery County, Kansas.

Common Address:

701 Taylor Rd

Applicant/Owners:

CA Holdings, L.L.C.

Case Number:

2022/ZA/08

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+17852894727) Conference ID: 652 632 373# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
811 W Laurel Street
Independence, KS 67301
(620) 332-2506

Information regarding this application is available in the Zoning Administrator's office. If special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator

200' Notice



**INDEPENDENCE
PLANNING & ZONING
COMMISSION**

**APPLICATION
FOR
REZONING**

1. Case #: _____
 2. Date Filed: _____
 3. Fee Paid: _____
 4. Hearing: _____
 5. Published: _____

To be filled out by applicant

1. Applicant's name: CA Holdings LLC / Chuck Beale
2. Applicant's address: 2670 Herron Rd Frankfort Phone: 231-871-0004
MI 49635
3. Address of property proposed for rezoning: 701 Taylor 2423 Linda Jean
4. Present owner's name: CA Holdings LLC
5. Present zoning: R1 Proposed zoning: R3
6. Legal description of property proposed for rezoning (if more space is required, use back of form):
The North 180' of Lot 12, Gossett's Addition to the City
of Independence, Montgomery County, Kansas
7. Present use of property (check one of the following): _____
 (a) Vacant ☐ (b) Residential ☒ (c) Commercial ☐ (d) Industrial ☐
8. Desired use of property: 2 Family
9. Use and zoning of adjacent property:
- | | | | |
|------------|-------------------------|--------|-----------|
| North: Use | <u>Golf course</u> | Zoning | _____ |
| South: Use | <u>R1 single family</u> | Zoning | <u>R1</u> |
| East: Use | <u>R1 Single family</u> | Zoning | <u>R1</u> |
| West: Use | <u>R1 single family</u> | Zoning | <u>R1</u> |
10. List reasons for this request:
- lot size larger than 20,000 sq'
- Two structures - each 1 family

Date: 11/7/22

Signature: [Signature]

Planning Commission Action – do not write in this space

1. Facts found: _____

2. Determination: _____

CITY OF INDEPENDENCE

REC#: 01207050 11/07/2022 8:41 AM
OPER: JESS TERM: 001
REF#:

ACCT #: XXXX-XXXX-XXXX-3015
AUTH #: 41038D
TRAN #: 000000880877

TYPE: PURCHASE
APP NAME: Visa
ENTRY MODE: CHIP

AMOUNT USD\$ 300.00

EMV DETAILS:
AC: 653841AAE93C34D6

TRAN: 1.9000 VARIANCE
CA HOLDING 701 TAYLOR
200 REZONING & 100 VARIANCE
MISC FEES 300.00CR

TENDERED: 300.00 CREDIT CARD
APPLIED: 300.00-

CHANGE: 0.00



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PLANNING MAGAZINE

What's Blocking an ADU Boom?

Accessory dwelling units are gaining national momentum, but these regulatory and financial hurdles still need to be cleared.

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[INTERSECTIONS \(/PLANNING/SECTION/INTERSECTIONS/\)](#) HOUSING



An ADU in Florence, a Massachusetts village where local bylaws were revised in 2014 to support their construction. Photo courtesy of Backyard ADUs.

By ADINA SOLOMON

While increasing housing density can address scarcity and affordability issues, it often faces political hurdles, particularly in suburban and rural areas. But one measure is steadily gaining acceptance in communities of all sizes: accessory dwelling units (ADUs), or residential structures on the same property as detached single-family homes.

Over the past 20 years, hundreds of cities and counties — if not more — have embraced ADUs, says David Morley, AICP, a planner and research manager at the American Planning Association. States have passed their own legislation, too, including California and Oregon in the past few years.

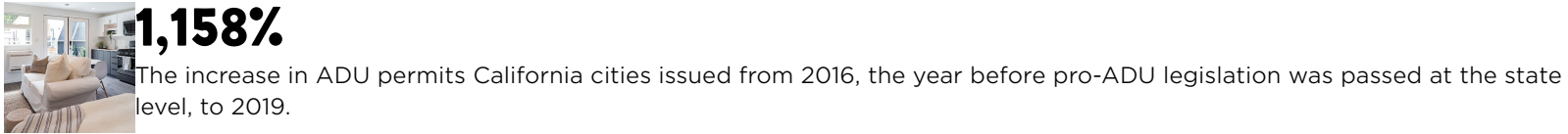
That momentum has held through the pandemic, as unemployment and uncertainty around eviction moratoriums have made the existing housing crisis even more dire. [Sarasota, Florida \(https://www.sarasotamagazine.com/home-and-real-estate/2021/07/accessory-dwelling-units-sarasota-building-mother-in-law\)](https://www.sarasotamagazine.com/home-and-real-estate/2021/07/accessory-dwelling-units-sarasota-building-mother-in-law), approved new legislation in July, as did [Barnstable, Massachusetts \(https://www.barnstablepatriot.com/story/news/2021/07/17/barnstable-approves-adu-by-law-first-step-toward-more-housing/7999028002/\)](https://www.barnstablepatriot.com/story/news/2021/07/17/barnstable-approves-adu-by-law-first-step-toward-more-housing/7999028002/), the tenth Cape Cod town to adopt an ADU bylaw. [Lexington, Kentucky \(https://www.kentucky.com/news/local/counties/fayette-county/article253471924.html\)](https://www.kentucky.com/news/local/counties/fayette-county/article253471924.html), and [Kalispell, Montana \(https://nbcmontana.com/news/local/kalispell-accessory-dwelling-unit-ordinance-passes-1st-reading/\)](https://nbcmontana.com/news/local/kalispell-accessory-dwelling-unit-ordinance-passes-1st-reading/), near Glacier National Park, are currently considering their own.

"So many jurisdictions across the country devote more land area to single-family detached housing than any other land use," Morley says. That means plenty of backyards that could offer a new home. And in many places, homeowners are making it happen. Los Angeles, the epicenter of the nation's ADU push, saw permits increase from 71 in 2014 to 6,747 in 2019, two years after California's statewide legislation went into effect.

But laws alone can't kick-start an ADU boom. Local preemption, high costs, and regulatory issues are just some of the hurdles that need to be cleared to encourage construction.

Uneven successes

California is one of the most significant examples of what happens when a government allows ADUs, Morley says. Following statewide legislation, the number of [ADU permits issued increased \(https://www.buildinganadu.com/adu-blog/california-adu-charts\)](https://www.buildinganadu.com/adu-blog/california-adu-charts) from 1,269 in 2016 to 14,702 in 2019. A year later, [five more bills were passed \(/planning/2020/feb/intersections-housing/\)](https://www.sfgate.com/planning/article/2020/feb/intersections-housing/) to further incentivize ADUs and reduce barriers. Despite the pandemic, 12,392 permits were issued in 2020.



Source: California Dept. of Housing & Community development.; buildinganadu.

LA isn't the only city where construction has skyrocketed; San Jose and Oakland each saw a nine-fold or higher increase in permits between 2016 and 2020. At the same time, however, Malibu, Coronado, [and other cities \(https://pacificlegal.org/still-no-place-to-live/\)](https://pacificlegal.org/still-no-place-to-live/) have enacted onerous requirements for homeowners or taken more than the mandated 60 days to review applications.

And on the other side of the country, Vermont's most populous city, Burlington, has seen few ADU permit requests: one to eight per year. The state passed regulations making ADUs legal in 2005, but [homeowners continue to report financial, zoning, and regulatory snags \(https://www.sevendaysvt.com/vermont/two-burlington-residents-talk-accessory-dwelling-units-pros-and-cons/Content?oid=33203355\)](https://www.sevendaysvt.com/vermont/two-burlington-residents-talk-accessory-dwelling-units-pros-and-cons/Content?oid=33203355).

The state of Vermont was frank about these impediments in its 2020 ADU checklist. "The permits and steps all have important functions," it reads, "but, taken as a whole, can make the process difficult, expensive, or even impossible."

Building ADUs is a more complicated process than laws alone acknowledge, confirms Ahmad Abu-Khalaf, a planner and senior research analyst on the policy development and research team at nonprofit Enterprise Community Partners. His [2020 report on barriers to ADU development \(https://www.enterprisecommunity.org/resources/overcoming-barriers-bringing-adu-development-scale-11049\)](https://www.enterprisecommunity.org/resources/overcoming-barriers-bringing-adu-development-scale-11049) identifies a variety of regulatory and financial issues. For homeowners, that can include identifying a financing source, securing a construction team, and acting as a landlord.

If cities want to meet affordability targets for ADU owners, he says, they need to get more involved. Most people tap into personal savings or home equity to finance construction, a challenge for lower- and moderate-income households. To "democratize" construction, Abu-Khalaf calls for the creation of lending products that are not only tailored to ADU development, but also accessible to lower- and moderate-income households. Governments can also offer subsidies to develop homes that are affordable for households making 30 percent or 50 percent of the area median income.

"It's not a process that will happen in an organic way," Abu-Khalaf says. "There should be more intentional efforts by policymakers or multiple nonprofits." He calls for lending products that are tailored to ADU development and accessible to lower- and moderate-income households. He points to the nonprofit [LA Más \(https://www.mas.la/affordable-adus\)](https://www.mas.la/affordable-adus), which helped lower-income homeowners build ADUs they agreed to rent to housing-voucher holders for at least the first five years.

In addition to looking at minimum lot size, height, parking, and other regulatory requirements, Abu-Khalaf says planners can work with local housing finance or affordable housing departments to design financial programs for lower- and moderate-income households interested in building ADUs.

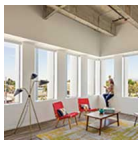
Still, ADUs are not a cure-all for the affordability crisis, experts say; they're part of a [larger housing agenda \(/planning/2021/winter/3-zoning-changes-that-make-residential-neighborhoods-more-affordable/\)](/planning/2021/winter/3-zoning-changes-that-make-residential-neighborhoods-more-affordable/). Morley says planners can play a role in facilitating conversations as communities consider whether they provide housing choice at affordable levels for everyone.

"If the answer is no, and frankly the answer is no in a lot of places, then it's about considering what are our alternatives for increasing the supply of housing, for increasing the diversity of types of housing that are available in the community," he says. "Accessory dwelling units are often one of the easiest strategies to build agreement on."

Adina Solomon is an Atlanta-based freelance journalist who writes about city planning and death.

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May 1, 2021
- 

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**NEW REFLECTIONS ON
AFFORDABLE HOUSING DESIGN,
POLICY AND PRODUCTION:**

Overcoming Barriers to Bringing Accessory Dwelling Unit Development to Scale

By Ahmad Abu-Khalaf



ACKNOWLEDGMENTS

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ABOUT THE AUTHOR

Ahmad Abu-Khalaf is a senior research analyst on Enterprise’s Policy Development & Research team. He conducts research and analysis of affordable housing and community development policy, focusing on strategies for expanding the supply of affordable homes and bending the cost curve. Ahmad holds a master’s degree in urban planning from the University of Arizona, Tucson.

 @Ahmad_AbuKhalaf

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PD&R provides thought leadership and data-backed recommendations to influence housing and community development policy, addressing both emerging policy issues and long-term needs. Read reports and policy briefs by the team (bit.ly/PDR_Reports) and follow us on Twitter @E_HousingPolicy.

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Unless otherwise specifically stated, the views and opinions expressed in the report are solely those of the report’s author and do not necessarily reflect the views and opinions of JPMorgan Chase & Co. or its affiliates.



ABOUT THIS SERIES

The need for affordable housing is on the rise. Nationwide, more than 10 million renter households are severely cost burdened – that is, they spend more than 50 percent of their income on housing. Through our Expanding the Supply of Affordable Homes research initiative, the Enterprise Policy Development and Research (PD&R) team has identified the use of design, construction and production innovations as a particularly promising approach to help expand the supply, contain the cost and improve the quality of affordable housing development.

The housing industry has been eager to utilize innovative design, construction and production strategies, including off-site construction, accessory dwelling units (ADUs) and 3D home printing, to substantially improve the cost effectiveness and efficiency of the housing delivery system. This series looks at opportunities and challenges to innovate around construction, design and production to bring these innovations to scale to help expand the supply of affordable homes and address cost challenges. The objective of this research initiative is to reframe the national conversation on construction and design innovations. It aims to shift the conversation from how these innovations could completely change how we build and deliver housing to how these tools can function effectively as part of the existing housing delivery system.

In July 2019 Enterprise released the first piece of this series of white papers, exploring strategies to overcome barriers to bringing off-site construction to scale. Continuing our research on design, construction and production innovations, this white paper looks at opportunities and barriers to bringing accessory dwelling unit (ADU) development to scale to boost affordability and diversity in housing options, especially in predominantly single-family zoned neighborhoods. This research was informed by practitioners’ responses to a short survey on barriers to ADU development, as well as interviews with a group of industry experts and practitioners.

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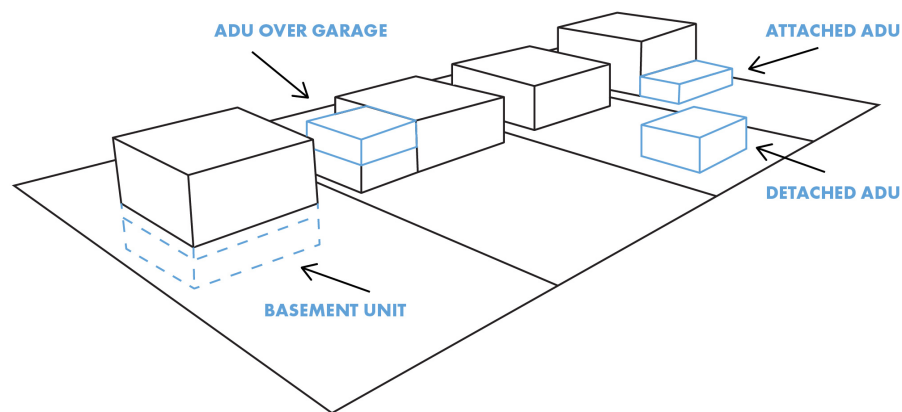
Photo Credit: BuildingAnADU.com

Housing Policy Goals

Accessory dwelling unit (ADU) development continues to be perceived by many stakeholders, including policymakers, affordable housing practitioners, advocates and researchers, as a housing production solution with great potential to increase density, housing options and affordability, especially in predominantly single-family neighborhoods. Interest in ADU development has been gaining steady traction among these stakeholders due to a combination of factors, including:

- Allowing for ADU development, the lowest end of the “Missing Middle” spectrum¹, typically requires a low regulatory lift that does not induce heavy local opposition.
- ADU development can support aging in place and multigenerational housing strategies, which are essential for addressing challenges facing senior households.
- Permitting rental ADUs can boost the diversity of housing types in single-family zoned areas, creating smaller rentals that are typically cheaper to develop and rent than single-family homes.
- Lower- and moderate-income homeowners, in support from policymakers and philanthropy, can utilize ADU development to generate additional income and build wealth by boosting property value.

It is important to note that ADU development is a homeowner-initiated process. That is, bringing this housing production strategy to scale primarily relies on homeowners’ willingness to navigate the planning, design, permitting, financing, construction and approval processes to create ADUs on their properties. And there are inherent and perceived complexities in these processes that often discourage many homeowners from pursuing ADU development. First, there are local jurisdictions that still prohibit ADU development and other forms of “gentle density” in their single-family zoned neighborhoods. And not all jurisdictions that allow for ADU development permit it as a “by right” use, requiring either a conditional use or special exception (see page 13). This requirement creates a significant risk in covering the costs of hiring an expert to prepare and submit an application with necessary technical drawings and documents as well as the application fee, without any guarantees that the submitted permit application will be approved. Further, there have been persisting regulatory barriers in many markets, such as occupancy, minimum lot size and on-site parking requirements, and while these barriers do not explicitly inhibit ADU development, they often constrain homeowners’ ability to create ADUs and discourage them from pursuing this housing production strategy. Finally, there are significant barriers to financing ADU development, especially for lower- and moderate-income homeowners.



ADU Definition

Accessory dwelling unit (ADU) is a broad term that refers to a smaller, self-contained residential dwelling that is located on the same parcel as a primary, larger residential dwelling, typically a single-family home.² The term ADU is often interchangeably used with other common names, such as in-law/mother-in-law suites, granny flats, secondary dwelling units, casitas and carriage units. ADUs can be created in variety of ways. An ADU can be an internal portion of the primary dwelling that is converted into a separate, smaller unit, such as a basement unit, a sheltered garage or an attic. ADUs can also be created through the rehabilitation of an existing/construction of a new external structure that could be detached or attached to the primary dwelling. While external attached and detached ADUs are commonly built in the backyard of the primary residence, depending on the local zoning requirements and lot size and configuration, ADUs could be developed in a side/front yard, or on the top of an external, sheltered garage.

ADU Types

Homeowners, in partnership with an expert like an architect, designer, builder or contractor, should take into consideration a number of factors in selecting an ADU type for their property. This includes site size and conditions, local zoning requirements, property size, layout and placement on site, estimated development cost and desired additional space and use. It is important to note that the ADU type selection process has cost and time implications. For example, while developing an external, detached/attached ADU could provide more privacy for both the ADU’s and primary unit’s residents as well as more flexibility in designing and constructing desired residential spaces, this option is typically more expensive and time consuming than converting an existing internal space into an ADU. This can be partially explained by the higher construction and development costs induced by the additional site and foundation work and the need for separate, new electrical and plumbing systems (when expanding existing home systems is not an option).

ADU Development Timeline

Both internal and external ADU development projects follow similar planning, permitting and construction processes, yet new construction ADU development typically follows longer construction timelines. ADU development typically starts with working with an expert, such as an architect, designer, builder or general contractor – unless the homeowner will pursue ADU development as a general contractor and it is authorized under local codes, to draft necessary architectural and engineering drawings and documents and then submit a permit application to local authorities. In addition to collecting a building permit fee, many local jurisdictions require a range of fees for ADUs like development impact fees. Once

a building permit is received and the needed financing is secured (see page 22), ADU construction could proceed. Depending on the complexity of the project and the homeowners’ preferences, the homeowner could hire a general contractor who manages the whole project and find subcontractors for mechanical and electrical work, or hire a designer and a builder and then identify subcontractors to do the mechanical and electrical work (the builder could also serve as a general contractor if needed). Once the ADU development process is complete, an inspection is typically required to ensure the compatibility of the developed ADU with the permitted architectural and engineering plans as well as local zoning and building codes.

ADU Construction Types

The building industry has developed a range of ADU construction strategies. This ranges from traditional stick-build construction to offsite construction, including modular and offsite construction.³ Under modular construction, the fabrication of the ADU as a module (a unit prefabricated and assembled off-site) is completed at a factory/fabrication facility, followed by delivery and on-site placement processes. Pursuing this construction technique for backyard ADUs on sites with limited vehicular access on the rear property line can be very challenging. Those sites cannot be easily accessed by shipping trucks that drop off the module at the site using cranes, which vertically lift the module and then place it on the site (like a LEGO block). These challenges could be addressed by using prefabricated development, a construction technique under which construction components (panels) get fabricated at a factory and then connected onsite to complete the assembly process.



Using off-site construction techniques to develop external ADUs can help homeowners attain a range of benefits. First, off-site construction projects typically have shorter timelines than traditional construction projects, as off-site construction allows for conducting site and foundation work concurrently with factory fabrication phase. Further, pursuing off-site construction can help mitigate unexpected development costs, as this construction strategy typically offers more accurate projected costs than traditional construction. It also minimizes on-site disruption throughout the construction process, as the larger chunk of the construction work takes place at the factory/fabrication facility. Finally, a number of fabricators serve as a one-stop-shop that does the planning, permitting, design, fabrication and assembly work. This means that the homeowner would only work with one expert, who is responsible of completing the development process from the beginning till the end, which can help address difficulties in navigating the ADU development process.

Barriers to ADU Development

Writing from a policy-driven perspective, we aim to facilitate a broad conversation among industry stakeholders on how common land use, regulatory and financial challenges can be addressed in order to bring ADU development to scale. In addition, this research aims to shift the conversation from how ADU development could potentially play a significant role in alleviating the nation's housing affordability and supply challenges toward understanding a range of persisting barriers holding ADU development back. This white paper, which was informed by a series of interviews with stakeholders and responses from practitioners to a short survey on challenges to ADU development, explores strategies to overcome land use, regulatory and financial challenges to ADU development.



OVERCOMING LAND USE BARRIERS

Single-family zoning continues to dominate residential land use, contributing to persisting supply shortages and affordability challenges across the country.

This challenge is especially prevalent in expensive housing markets, where many low- and moderate-income families struggle to access housing in high-opportunity, single-family zoned neighborhoods with better access to jobs, schools and daycares, healthcare facilities and other necessary services. A recent analysis from The New York Times⁴ found that single-family zoned residential land accounts for 81 percent of Seattle's residential land; 79 percent in Chicago; 75 percent in Los Angeles; and 36 percent in Washington, D.C. In addition, between 1990 and 2016, single-family homes accounted for nearly 80 percent of all new housing construction in the nation's largest 100 metro areas.⁵ Permitting ADU development in single-family zoned areas can unlock underutilized land and potentially (depending on demand for

ADU development among homeowners and the local regulatory and financial landscapes) could boost "gentle density," housing type diversity, affordability and opportunity for less-affluent, renter households, who have been excluded from those neighborhoods for years. Gentle density, as defined by Brent Toderian, is "attached, ground-oriented housing that's more dense than a detached house, but with a similar scale and character."⁶ This type of density, which is also known as the missing middle housing, includes ADUs, duplexes, semi-detached homes, rowhouses and townhouses.

Addressing Local Opposition to Gentle Density

Proposals to increase density in predominantly single-family zoned areas often face local opposition. These proposals are generally perceived as a green light for high-density residential development, often conceived of as towering apartment buildings, that would lead to a range of issues, including high traffic, increases in demand for parking, drops in home value and changes in neighborhood character, among other concerns. Allowing ADU development has been utilized by policymakers and urban planners as a strategy to navigate debates/concerns around boosting density in an easier, more expedited manner. Allowing for ADU development in single-family zoned areas could help reassure opponents of density by proving that the outcome will be the lower end of the “gentle density” spectrum and far away from any form of high-density development. That said, proposals to allow for ADU development still face local opposition in many single-family neighborhoods on the basis of the aforementioned factors — yet allowing for ADU development is likely to face less local opposition than proposals for higher forms of density. Despite this, some state and local governments have recently moved toward a stronger stance on allowable density, permitting a broad range of “gentle density” approaches that allow for more than adding one secondary unit, including duplexes, triplexes, fourplexes and small multifamily housing.⁷ Here are three brief examples:

- In 2019, Oregon became the first state to adopt a zoning reform on a statewide basis.⁸ The state has eliminated local bans on duplexes in every low-density residential area in all cities with more than 10,000 residents and all urban lots in the Portland metro area. And in cities of more

than 25,000 and within the Portland metro area, the state authorizes triplexes, fourplexes, attached townhomes and cottage clusters on some lots in all areas zoned for residential use.

- In 2019, the Minneapolis City Council officially adopted Minneapolis 2040⁹, a comprehensive plan to permit duplexes and triplexes in single-family home zones across the city; eliminate parking minimums for all new construction; and allow for higher density along transit corridors.
- Also, in 2019, the Seattle City Council passed Mandatory Housing Affordability (MHA) upzones¹⁰ to allow higher density and impose affordable housing requirements on more than two dozen neighborhoods. This measure upzones around 27 neighborhood hubs, requiring developers in those areas to set aside between 5 and 11 percent of their developments as affordable units or pay \$5 to \$32.75 per square foot in fees. It also allows for denser housing on about 6 percent of lots where new construction is currently reserved exclusively for single-family homes, as well as upzones blocks where apartment buildings and commercial buildings are already allowed by one or several stories.



Using Gentle Density to Support Aging in Place

In addition, unlocking gentle density through ADU development has also been utilized by housing stakeholders as an aging in place strategy. ADU development can help empty-nest seniors who own single-family homes stay in their homes, while either creating multigenerational housing that is desired and needed in some communities or adding smaller, rentals units to the market. The latter can support density, housing type diversity and affordability in single-family zoned neighborhoods. Under this strategy, seniors who own single-family homes and would like to downsize could live in either the primary unit/ADU and rent out the other unit, when permitted by local codes, or let their adult child/grandchild/relative move into the primary/secondary unit while they occupy the other unit. The former option allows empty-nest seniors to generate additional income while downsizing, and the latter helps facilitate a multigenerational living

situation, which is particularly helpful for seniors who need more care and attention. In addition, an adult child could build an ADU on their single-family lot to allow their senior parent/relative to live in an independent dwelling that is constructed on the same lot.

Using Gentle Density as an Income-Generation and Wealth-Building Strategy

A range of housing stakeholders, including policymakers, housing experts and community organizations, have been exploring how unlocking gentle density through ADU development can be utilized as an income-generation and wealth-building strategy for lower- and moderate-income homeowners. When codes allow a homeowner with an ADU to rent out either the ADU/primary unit to tenants (who are not family members and reside in the primary/secondary dwelling through an official lease with specific agreed upon terms), homeowners can use their ADU

to generate additional monthly rental income. This model is similar to the traditional model of developing duplexes, triplexes and quadraplexes to enable the property owner to live in one unit while renting out the rest of the units, generating a monthly rental income. And this explains why small-scale multifamily properties with one to four units are still considered as “single-family” housing in the U.S. mortgage system.

In addition to income generation, this model can help lower- and moderate-income homeowners build wealth by enhancing their properties and potentially increasing the total property value. This can be particularly helpful in building intergenerational wealth for low- and moderate-income homeowners of color, who were excluded from homeownership in affluent and desirable neighborhoods through discriminatory housing and lending policies like redlining.” These discriminatory policies, which also marked neighborhoods with predominantly homeowners of color as less

desirable neighborhoods, have had impacted their ability to build intergenerational wealth through homeownership. However, advancing wealth building through ADU development relies on whether there is a difference between the pre-development appraisal and the post-development valuation – an increase in the total property value after adding an ADU to the property. (See page 25).

While addressing land use barriers to ADU development is the first step toward allowing for the lowest end of the gentle density spectrum in single-family zoned areas, many single-family homeowners who are interested in creating ADUs on their properties still face regulatory and financial barriers to ADU development.



State and local zoning regulations are one of the prominent factors in shaping the form and scale of ADU construction. These regulations also determine the viability of using this housing production strategy to generate rental income and boost property value, which can help lower- and moderate-income homeowners build wealth.

At a minimum, municipal governments must permit ADU development in some/all single-family zones to support ADU development. However, in many jurisdictions where ADU development is permitted, there are zoning provisions that can create regulatory barriers to ADU development, which can result in complex, lengthy permitting processes; reduce the feasibility of creating ADUs; and discourage homeowners from pursuing ADU development. This research looks at some of the most common regulatory barriers to ADU development, as zoning requirements vary by jurisdiction.

Discretionary review processes

The Challenge:

- Allowing ADU development via a discretionary review process creates a complex and lengthy permitting process that could discourage homeowners from pursuing creating ADUs on their lots. A discretionary review process gives municipal, legislative or administrative bodies the authority to impose specific requirements on each ADU development proposal on a case-by-case basis, creating uncertainty, extended timelines and possible complexities for homeowners interested in creating ADUs on their lots.

- Under a discretionary review process, the applicant is typically asked to submit an application that discusses the impact of the proposed ADU development on the homeowners' neighboring lots and the overall residential area, as well as its compliance with any discretionary provisions or requirements. One common form of discretionary approvals is applying for a conditional use (special use) permit for the creation of an ADU on the lot, which otherwise would not be a by-right use in the zoning district, subject to meeting a set of specific requirements and conditions. The municipal body leading the discretionary review process could also require holding a public hearing to discuss the proposed ADU development's compliance with its criteria/guidance and the proposal's potential impacts on the lot's surroundings, inviting public input on and possible opposition to the proposed ADU construction.

The Solution:

- Allowing for the by-right development of ADUs streamlines and expedites the permitting process, potentially incentivizing more homeowners to explore this housing production strategy. By-right zoning means that an ADU development proposal would receive a permit as long as it complies with the current underlying zoning requirements for the single-family zoned lot where it will be constructed. This means that the proposed ADU development would only require a ministerial review to confirm compliance with municipal zoning requirements and would not require going under additional reviews or meeting additional site-specific conditions.

Occupancy requirements

The Challenges:

- Municipal zoning regulations can impose a range of regulatory restrictions on the occupancy of ADUs:
- One of the most stringent restrictions is prohibiting homeowners from using their ADUs as rentals to non-family members under an official lease with agreed upon terms. This restriction prohibits ADU owners from renting them out to create additional rental income, contradicting with the use of ADU development as a strategy to build wealth for lower- and moderate-income homeowners. It also inhibits accomplishing a range of ADU development's policy goals, including boosting the supply of rental housing that is more affordable than single-family homes in neighborhoods that often have higher access to opportunity.
- And even when renting ADUs out to non-family members is permitted, jurisdictions can still impose owner-occupancy regulations, which require that the homeowner continues to live in either the primary unit/ADU while renting the other dwelling out. This means that the owner of the primary residence and ADU cannot legally rent out both units if they move to a different jurisdiction or into a new home. This requirement can create legal burdens if the owner would want a relative to live in either the primary/ADU unit while renting the other unit to a non-family member, requiring adding the relative's name to the property deed. There is a generic consensus among housing practitioners that these restrictions can impact appraised home values, as it restricts the use of the property and the owner's ability to rent the primary and ADU units under a range of scenarios, such as inheriting a single-family home with an ADU while living in a different home/jurisdiction or relocating to a different neighborhood/jurisdiction.

- In addition, some municipal governments institute occupancy quotas for either the primary dwelling and the ADU or the ADU alone, which can impose further restrictions on the use of ADUs. For example, if zoning regulations impose a six-person cap on the number of people who could live in the primary dwelling and the ADU and five people already live in the primary dwelling, then only a one-person household would be allowed to live in the ADU.

The Solutions:

- Eliminating occupancy requirements – which either prohibit homeowners who own ADUs from renting them out to non-family members or require those homeowners to live in the primary dwelling/ADU to rent one of the two units out – is essential to allow for the use of ADU development as a strategy to build wealth for lower- and moderate-income homeowners and boost the supply and affordability of rental housing in single-family zoned areas. In addition, imposing occupancy quotas for either the primary dwelling and the ADU or the ADU alone should be done in a flexible way that would not add unnecessary restrictions to the use of ADUs either as a rental or a portion of a multigenerational housing.

Off-street parking requirements

The Challenges:

- Requiring that homeowners interested in creating ADUs on their lots provide one or more off-street (on-site) parking spots for the developed secondary dwelling can significantly hurt the viability of ADU development. Creating one parking space or more on the site can create additional financial and logistical challenges that could discourage homeowners from pursuing ADU development. In addition to inducing additional costs in the ADU

development process, homeowners can face logistical barriers to creating additional on-site parking spaces for the sole use of ADUs' residents. Some sites may have irregular boundaries, size limitations, challenging topographic or physical barriers like trees that can complicate the on-site parking creation process.

- Some jurisdictions require a homeowner who converts their on-site, parking structure (garage) into an ADU to replace the converted parking space by an additional parking space on top of the off-site parking requirements for the developed ADU. It is important to note that these requirements can discourage garage conversions into ADU in transit-rich neighborhoods where excessive on-site parking requirements are unnecessary. In addition, these requirements can be specifically challenging in smaller sites and/or those with physical or topographic barriers that inhibit replacing the converted parking structure and creating additional on-site parking for the ADU.

The Solution:

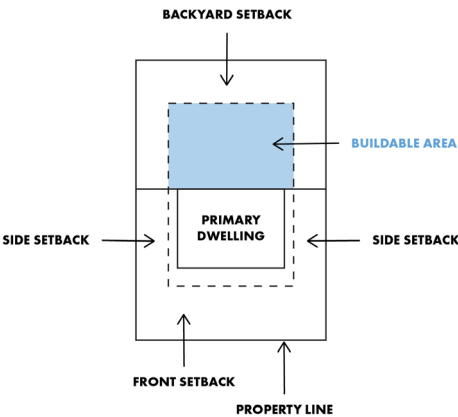
- Off-street parking requirements for ADUs must take into consideration factors that shape on ground (actual) demand for this type of parking. For example, not all households residing in ADUs own private vehicles, and therefore, the additional parking space(s) may be left unutilized. ADUs' tenants may also use alternative transportation modes, such as bicycles, scooters or ride-share services, as well as public transportation, especially when they live in transit-rich neighborhoods or close to transit hubs.
- Some municipalities have moved towards relaxing their parking requirements, including off-street parking requirements for ADUs, in areas

that are close to public transportation hubs or well served with public transportation. Relaxing or waiving off-site parking requirements for ADUs can incentivize homeowners, especially lower- and moderate-income homeowners, to pursue creating ADUs on their lots, as it eases financial and logistical barriers to ADU development.

Setbacks

The Challenge:

- Commonly, zoning codes impose setback requirements on external, attached/detached ADUs. Setbacks require complying with a minimum distance between the ADU and the property lines (the sides and the rear property lines when the ADU is constructed in the primary dwelling’s backyard). In addition, some zoning and land use codes require specific setbacks between the primary dwelling and a detached ADU sharing the same lot. Setback requirements for ADUs vary across jurisdictions. Also, the way the setbacks are developed vary from one jurisdiction to another. For example, it could be 4 ft. from the side and rear property lines, or 10 ft. from the side property lines and 20 ft. from the rear property line. The rationale behind requiring setbacks is ensuring privacy and adequate light and air access to neighboring properties. However, excessive setback requirements can inhibit ADUs in smaller lots. That is because requiring large (excessive) setbacks is likely to result in a very small developable area in smaller- and moderately sized lots, and this developable area may not be sufficient for creating an ADU or may result in a micro-ADU that won’t be sufficient to serve and/or be desired as a residential dwelling or a rental.



The Solution:

- Municipalities should avoid imposing excessive setbacks for external ADUs that would either create a very small developable area or inhibit ADU development in smaller- and moderately sized lots.

Lot size requirements

The Challenge:

- Municipalities that impose excessive “minimum lot size” requirements on ADU development indirectly prohibit homeowners with smaller- and moderately sized lots from creating ADUs on their lots. The higher the minimum lot size the more restrictive the requirement is. The rationale behind these requirements is preserving neighborhood characteristics and containing residential development density in single-family home zoned areas. However, excessive “minimum lot size” requirements often limit the number of ADUs that could be constructed in more dense single-family home zones with smaller lots, where there is likely higher demand for smaller rentals like rental ADUs.

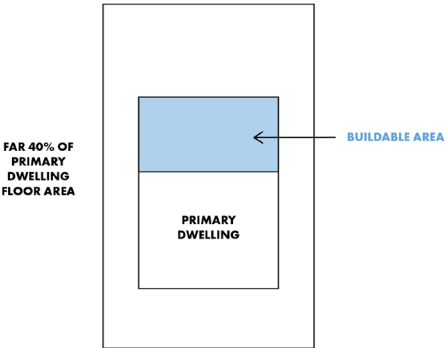
The Solution:

- Some municipal governments have shifted towards either eliminating or easing “minimum lot size requirements” to allow for more ADU development in their single-family zoned lots.

Size, height and number of allowed ADUs

The Challenges:

- Most municipal governments impose a range of size caps on ADU development. Generally, those requirements are imposed on homeowners to ensure that the resulting secondary dwelling (ADU) is smaller than the primary dwelling. Zoning codes rely on a range of measurement methods in determining ADU size caps. One prominent method is requiring compliance with the lesser of: 1) a specific square footage cap on ADUs (i.e. 450, 600, 800, 1200 sq. ft.); and 2) Floor-Area-Ratio (FARs), a ratio between the ADU’s size to the total lot size, or a ratio between the ADU’s floor area to the primary dwelling’s floor area.



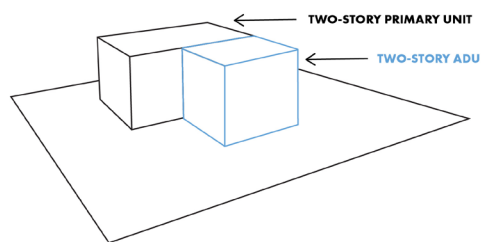
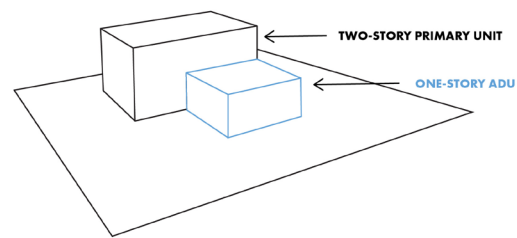
- Imposing excessive size restrictions can impede the development of ADUs that can be used as residential dwelling for two-person or more households, especially in neighborhoods with

smaller houses and/or lots. These excessive size caps often result in small ADUs that are close in size to micro-units or small studios. For example, if the primary residence is a 1,200 sq. ft. single-family home and the zoning and land use specifications require that the resulting ADU shall not exceed 30 percent of the primary dwelling’s floor area, then this requirement will result in a 360 sq. ft. ADU. It is also important to note that benefiting from the allowable ADU size may not be possible on a parcel that is under excessive setback requirements and with physical barriers, such as the placement of the primary dwelling in the middle of the site or topographic slopes and barriers.

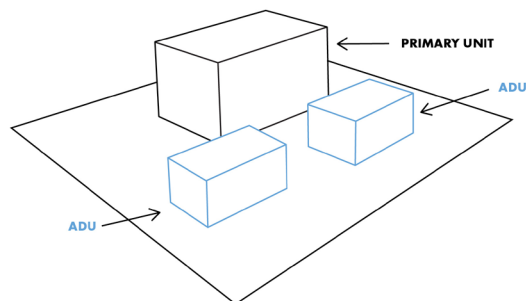
- The extent of ADU height requirements vary by jurisdiction. Zoning regulations could require that the height of the ADU does not exceed the primary dwelling’s height, which allows for developing two-story ADUs. Other regulations would set a specific height limit (i.e. 10, 16, 20 or 25 ft.). Imposing low height caps, such as 10 or 12 ft., impedes developing a two-story ADU or an ADU with a mezzanine floor, which is a partial floor with low ceiling that is placed nearly halfway the highest ceiling from the ground, creating a double volume and projecting like a balcony. In an ADU, especially smaller ADUs, a mezzanine can be used as an additional bedroom, den or office space.



Photo Credit: BuildingAnADU.com



- On the top of size and height requirements, zoning ordinances typically set limitations on the number of ADUs per lot. The majority of local codes limit the number to one ADU per lot. However, some jurisdictions have moved toward allowing for creating more than one ADU per lot in specific areas. Some jurisdictions have also relaxed their ADU requirements allowing for creating more than one ADU per lot and/or creating ADU on certain multifamily zoned lots, requiring meeting specific conditions and standards.



The Solutions:

- Municipal governments should avoid imposing maximum size requirements for ADUs that would result in small ADUs that are close in size to micro-units or junior studios, prohibiting the homeowner from unlocking and benefitting from their lot's developable area.
- Municipal governments should allow for the development of at least two-story ADUs in any single-family zoned area, as most single-family homes comprise two stories, unless there are valid reasons for imposing different ADU height requirements.
- Municipal governments should explore permitting more than one ADU per parcel as well as ADU development on multifamily zoned lots on sites suitable for these zoning allowances.

Design standards

The Challenges:

- Municipalities typically adopt design standards for ADU development to ensure compatibility between the aesthetics and character of the developed external, attached/detached ADU and the existing primary unit. These standards vary in their specificity and scope across local jurisdictions. Design standards governing ADU development could include compatibility in exterior walls' building material and color; roof material, type and slope; and windows' treatment, proportion and spacing. Some ADU design standards prohibit having the ADU's main entrance facing the front property line (both the main dwelling's and the ADU's main entrances facing the front property line) or even a public right-of-way.

- These design standards that aim to ensure compatibility between the developed ADU's and the primary unit's design aesthetic and character vary in their stringency. That is, compatibility could mean that the developed ADU should be designed in a way that its external design completely matches the external design of the primary unit, including the windows, doors, external walls and roofs. In other instances, compatibility could be a broader term that means there would be some form of harmony without requiring matching the external design of the primary unit. However, while this lack of specificity could offer some flexibility, it can also cause confusion among designers and homeowners interested in pursuing ADU development. In addition, there are ADU design standards that can create additional financial and logistical/technical burdens. For example, requiring matching the primary unit's window treatment, placement, proportion and spacing could create logistical burdens in ADU development.

The Solutions:

- Avoiding requiring external design compatibility between the ADU and the primary unit may be necessary to limit tradeoffs between rigid requirements and vagueness and uncertainty in design standards compliance.
- Municipalities should avoid imposing prescriptive design requirements on ADU development, as these requirements can create additional financial and technical burdens. The alternative would be adopting objective design standards, which allows for flexibility in meeting the end design goals.

Impact fees and utility connections

The Challenge:

- Requiring homeowners pursuing ADUs on their lots to pay impact fees to the municipal government is one of the regulatory requirements that creates additional financial barriers to ADU development. Impact fees are generally imposed by municipal governments on real estate developers to offset the cost of new demands for public infrastructure and services created by the new development project. This one-time payment is collected by municipal governments to mitigate the cost of creating and maintaining public infrastructure, such as sidewalks, sewage and water systems, roads, parks and schools, as well as providing public security and safety services like fire stations. Some jurisdictions adopt fixed impact fees for ADU development that are typically not proportional to the ADU size and the projected impact of and demand on public infrastructure and services created by the ADU development.
- Some municipalities require that the ADU has a separate connection to and meters for the public water, sewage and electricity systems from the primary dwelling. These requirements can add significant financial barriers to ADU development as well as extend the permitting and development processes. This includes covering the costs of installing water and sewage pipes that connect the ADU to public infrastructure, which is a very costly process that will require additional permits and likely extend the ADU development process. While separating utility connections and meters could be beneficial for using of developed ADUs as rentals, these requirements can add cost burdens to the ADU development process by adding utility connection fees to the overall cost.

The Solutions:

- It is unreasonable to require an ADU owner to pay impact fees that are equivalent to those imposed on single-family homes and larger residential properties. ADUs are smaller than single-family homes and are typically occupied by smaller households, particularly one- to two-person households. One solution is halting impact fees for ADUs. For example, the City of Portland offers a waiver of system development charges (SDCs), which are collected by the city to offset the impact of new development on its storm and sanitary sewer systems, parks and recreation facilities, water and street systems, for homeowners who participate in the ADU SDC Waiver program. This program requires participating homeowners to sign a covenant stating that neither the ADU nor the primary residence will be rented as a short-term rental for 10 years.¹² In addition, some municipal governments have moved towards requiring fees that are proportional to the ADU’s size, waiving/reducing those fees for smaller ADUs. And others have moved toward taking into consideration the difference between the ADU and the primary unit sizes in calculating imposed impact fees.
- To mitigate the cost and time implications of requiring that ADUs have separate connections to and meters for public utility systems, municipalities can explore either waving those utility connection fees for ADUs or making those proportionate to the ADU size and the estimated burden of the ADU on the public utility systems.

STATEWIDE REGULATORY
CHANGES IN SUPPORT OF ADU
DEVELOPMENT IN CALIFORNIA

In 2019, California Governor Gavin Newsom signed into law a group of bills aimed at addressing a range of regulatory barriers to ADU development across the state.¹³ Enacting statewide ADU laws requires that all local jurisdictions follow the state’s rules, regardless of whether they have their own ADU laws. These adopted regulatory changes relax regulatory restrictions on and provide more flexibility in ADU development, including:

PERMITTING AND REVIEW PROCESSES
• Reducing application review time for ADUs to 60 days from the receipt day of a completed application. • Prohibiting local agencies from requiring the correction of existing nonconforming zoning conditions as a condition for “ministerial approval of a permit application” for an ADU or junior ADU. • Allowing ADU owners with violation of codes, upon application and approval, to correct non-health- and safety-related violations within five years. • Prohibiting covenants, conditions and restrictions (CC&Rs) from banning or unreasonably restricting ADU development on single-family lots.
OCCUPANCY REQUIREMENTS
• Freezing owner-occupancy requirements for all proposed ADUs until January 1, 2025.

OFF-STREET PARKING REQUIREMENTS
• Capping parking requirements for ADUs at one parking space per ADU or bedroom (whichever number is smaller). • Eliminating parking requirements for ADUs under certain circumstances, such as when the lot is located within one-half mile walking distance of public transit or when there is a car share vehicle located within one block of the accessory dwelling unit. • Clarifying that local agencies cannot require off-street parking replacement for an ADU that was created through a garage/covered parking structure conversion.
SETBACKS
• Capping rear yard and side setbacks for ADUs at 4 feet (ft.).
LOT SIZE REQUIREMENTS
• Prohibiting imposing minimum lot size requirements on ADU development.
SIZE, HEIGHT AND NUMBER OF ALLOWED ADUS
• Prohibiting local agencies from adopting maximum ADU size requirements of less than 850 sq. ft. for a one-bedroom ADU and 1,000 sq. ft. for an ADU with two or more bedrooms. • Prohibiting local agencies from adopting any other size limits, such as maximum lot coverage, floor area ratio and open space requirements, that do not allow for creating at least an 800 sq. ft. ADU with a minimum 16 ft. height and 4 ft. rear yard and side setbacks. • Allowing for creating a junior ADU, in addition to the lot’s larger ADU, within the walls of the proposed or existing single-family residence or accessory structure, capping the size of a junior ADU to 500 sq. ft. • Permitting creating at least one ADU within an existing multifamily development, capping the number of the developed ADU(s) to 25 percent of the existing dwelling count. These ADUs can only be created within the “portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements or garages.” • Permitting creating up to two detached ADUs on a lot that has an existing multifamily development. These ADUs are subject to a height limit of 16 ft. and 4 ft. rear yard and side setbacks.
IMPACT FEES AND UTILITY CONNECTIONS
• Exempting ADUs up to 750 sq. ft. from impact fees and requiring that impact fees for larger ADUs are proportional to the square footage of the primary residence.



OVERCOMING BARRIERS TO FINANCING ADU DEVELOPMENT

There is a consensus among housing developers and practitioners that inadequate access to financing is one the prominent challenges to bringing this housing production strategy to scale. This includes scarcity of lending products tailored to ADU development across the country.

Further, the most common paths to covering the costs of ADU development require homeowners to tap into their personal savings or home equity, which thus excludes many lower- and moderate-income homeowners from pursuing ADUs on their lots. This section discusses two main barriers to accessing ADU financing: **1) scarcity in lending products tailored to ADU financing;** and **2) challenges in using traditional lending products for ADU financing.**

Scarcity in lending products tailored to ADU financing

Generally, there is scarcity in loan products tailored for ADU development. Due to the lack of familiarity with ADU development in the lending industry, many lenders see ADU development as an unconventional investment that is more risky than traditional residential construction. And therefore, the number of lending products designed specifically for financing ADU development is very limited across the U.S. housing market. The scarcity of lending products

tailored for ADU financing has made tapping into homeowners' cash savings or home equity the most common path for financing ADU development. While this path may work well for higher-income homeowners or those who are able to tap into their home equity, lower-income homeowners are less likely to be able to use these financing mechanisms. In addition, there are challenges in using these lending products to finance ADU development, including counting the projected rental income from the ADU in calculating the loan value and determining the borrower's eligibility. Here are some of the common ADU equity financing mechanisms¹⁴:

- **Cash savings or other liquid assets**

Under this path, a homeowner would use cash savings or stocks that can be liquidated to fund ADU development on their lot. This path is typically not attainable and/or feasible for low-income and some moderate-income homeowners.

- **Home equity lines of credit (HELOC)**

Homeowners with equity in their homes can tap into it to access a revolving line of credit that can be used to finance large expenses like ADU development. Accessing HELOC is based on a recent home value appraisal, borrower's Loan-To-Value (LTV) ratio, plus a range of eligibility requirements that vary from one lender to another. Basically, showing that the borrower owns a certain share of their home's equity by looking at the current home appraised value and LTV as well as meeting a lender's eligibility requirements would allow the borrower to tap into a flexible revolving line of credit. At the same time, the borrower's home equity is considered as a collateral that can be taken over by the lender if the borrower fails to make their loan payments. The lender may allow the

borrower to pay only interest payments for a specific period of time, and once the borrower taps into the HELOC, they will be required to pay interest and principal payments moving forward.

There are challenges to using HELOC to finance ADUs. A homeowner who does not meet the lender's eligibility requirements, such as minimum LTVs and credit scores, will not be able to access a line of credit through their home equity. In addition, some lenders may require variable interest rates, which can increase the borrower's loan payments if the interest rate increases. This option can also be risky for homeowners who are not certain about their ability to make their monthly loan payments on HELOCs, as defaulting on the new loan could lead to losing their home equity.

- **First mortgage cash-out refinance**

Under this lending tool, a homeowner would replace an existing home mortgage with a new one that has a higher value and different terms, and would tap into their home equity via one lump sum payment. After paying any remaining balances, the difference between the new, higher value mortgage and the original mortgage debt (in this case it would be labeled as the balance of the homeowner's home equity) is paid to the borrower as a lump sum cash payment. Eligibility requirements vary across lenders, including minimum LTVs. This option can be helpful when the borrower is able to access a new loan with more favorable terms, such as lower interest rates. However, pursuing a cash-out refinance can create some risks. A cash-out refinance resets the home mortgage amortization schedule. That is, the homeowner will have a new mortgage

with more debt, and the homeowner’s ability to make the new loan’s monthly payment will rely substantially on receiving a monthly rental income from the developed ADU. And defaulting on the new loan under financial hardships could lead to the loss of the homeowner’s home equity, as the home will be considered as a collateral by the lender.

In addition to tapping into the homeowners’ personal savings or home equity to finance ADU development, renovation and construction loans may be used to finance ADU development. However, there are challenges to using these lending options to finance ADU development.



Photo Credit: BuildingAnADU.com

• **Renovation loans**

These loans are unsecured financing products that help homeowners cover the cost of a home improvement project. That is, the property is not considered as a collateral that can be taken over by the lender when the borrower fails to make the monthly loan payments. Those loans are typically fixed-rate loans (typically with higher interest

rates due to the lack of collateral and higher perceived risks) that cover a certain share of the projected costs based on an appraisal that includes the increase in total property value caused by completing a home improvement project, i.e. the total projected home value after adding an ADU to the lot. Attaining a fair market appraisal can be challenging due to the lack of familiarity with ADUs’ property values in local market, as we still have yet to see ADU development at scale on the local or state level, and to a certain extent that would enable the industry to capture comprehensive cost and value data sets on ADU development. This may result in undervalued appraisals and lower access to financing necessary to cover ADU development costs, and under those circumstances, ADU development will not add significant value to the total property value after the completion of project.

While there are no federally backed loans tailored for ADU financing, there are some federally backed home improvement loans that can be used to finance ADUs. These lending products include Fannie Mae-backed HomeStyle Renovation mortgages and Freddie Mac-backed CHOICERenovation mortgages.

In addition, lenders commonly require that the homeowner hire a contractor who will have access to the loan’s funds via multiple payments that are only received after proving progress on the home improvement project. This can extend the ADU development process and create a range of challenges, such as limitations on the number of contractors who are familiar with ADU development and are willing to take on such development projects. Also, these loans may not be accessible to all homeowners due to a range of eligibility requirements like high credit scores.



Photo Credit: BuildingAnADU.com

• **Construction loans**

Another option is using a construction loan to finance new ADU construction. These loans generally have higher interest rates, as new construction is often perceived as a risky investment due to the lack of a physical structure that can be taken as collateral in the case of the borrower’s failure to make the monthly loan payments. Similar to home improvement loans, lenders typically require hiring a professional contractor who will be receiving monthly payments upon reaching certain construction milestones. Construction loans are short-term loans, typically last for only one year, as they expire upon the completion of the construction process. The homeowner can either pay off the balance of the construction loan upon the end of the construction timeline or choose to transform the construction loan into a permanent loan with different terms, including the loan type, length and interest rate.

Challenges in using traditional lending products for ADU financing

There are a range of persisting challenges in using the abovementioned traditional lending products for ADU financing. Two common challenges are not including the projected rental income in calculating the loan value and determining borrower’s loan eligibility.

Accuracy in appraisals can create barriers to ADU financing, especially for ADUs permitted as long-term rentals with projected monthly rental income. Appraisals/lenders typically do not use the income approach to estimate the value of the proposed ADU development based on its projected rental income in calculating the LTV ratio. Appraising a proposed rental housing development typically includes looking at the fair market value and rental income of similar rentals located in the housing market. For example, if the homeowner has received a permit to construct a 600sq. ft. ADU on

their single-family zoned lot, which can be used as a long-term rental unit, the appraisal should include looking at the fair market value and rental income for a similar unit located in the same market, which could be anywhere between \$400 and \$1,800 or more per month, depending on the housing market. The appraiser should then include this projected rental income in the ADU appraisal process. If we assume that this 600sq. ft. ADU will generate nearly \$900/month, or nearly \$11,000/year, in rental income, then not including this estimated income in the appraisal process will result in calculating the LTV based on an under-appraised property value, which leads to the lender offering less capital based on the estimated property value. While lenders typically offer borrowers up to 80 percent of the projected development costs, receiving less capital based on undervalued appraisals typically results in needing additional gap financing resources or using additional equity for financing ADU development.

Incorporating the income approach in ADU appraisal requires some creativity and flexibility for a variety of reasons. Unlike other traditional types of residential construction, such as single-family homes, duplexes, triplexes and multifamily apartment buildings, there are challenges to accessing large, comprehensive data sets on ADUs' property values and their generated rental income. That can be largely explained by the fact that most markets have yet to witness a significant boom in long-term rental ADUs that would bring this type of residential units to scale. The significance of this challenge is likely to decrease in markets where ADU development has been rising and more ADUs are used as long-term rentals.

In addition, when lenders do not include the projected rental income from ADU development in the debt-to-income ratio (DTI), homeowners face additional burdens to securing ADU financing. The DTI is a ratio calculated by dividing the borrower's total debt over their monthly income and used to

measure borrowers' debt load and financial stress. Lenders see high DTIs (typically >40 percent) as an indication of high financial risk, and the exclusion of the projected rental income from ADU in the DTI calculation results in higher DTIs, which could result in higher loan denials for financing ADU development.

Despite those challenges, there are lending products that are tailored for ADU financing or offer gap financing that could support ADU development. One example is ADU loans for eligible single-family homeowners in Portland offered by Craft3¹⁵, a nonprofit Community Development Financial Institution (CDFI) based in the Pacific Northwest region. These fixed-interest, long-term (up to 240 months) loans finance the construction of detached or attached ADUs, allowing homeowners to borrow up to \$250,000 to cover ADU design, permitting and construction costs. This loan product offers reduced rates to households earning below 100 percent of the AMI. Another example is the city of Boston's ADU gap financing offered through its Additional Dwelling Unit Loan program.¹⁶ These interest-free loans offer gap financing to eligible homeowners who are interested in creating ADUs on their lots in the city of Boston. The program offers up to \$30,000 to owners of single- to three-family homes; the offered amount is based on the estimated cost of ADU development and can be used as gap funding. These loans do not require monthly payments and only become due when the owner sells, transfer of ownership or undertakes a cash-out refinance of the home. These loans do not attach any use or affordability requirements.

Offering subsidized financing to support deeper affordability levels

As mentioned earlier in this white paper, ADU development can add to the housing market rental units that are smaller in size and more affordable than single-family homes in neighborhoods that overall lack housing type diversity and rental housing. The creation of ADU is likely to create housing opportunities for lower- and moderate-income, renter households (possibly those earning 60–80 percent of the AMI) in single-family zoned areas that often have higher access to opportunity, such as access to jobs and necessary public and private services. That is, rental ADUs will be offered at a market-rate rent that is lower than the area's single-family homes' market-rate rents. If the desired affordability goal is deeper affordable housing targets (i.e. units that are affordable to households earning less than 50 percent of the AMI), then some form of subsidized financing will be needed to attain those deeper affordability targets.

In addition to offering subsidized funding for attaining deeper affordability targets, when homeowners become landlords of rental ADUs, they may need some form of financial and logistical assistance with handling operating and maintenance costs and responsibilities. This is especially true for lower- and moderate-income homeowners who would be operating those rental ADUs on thin margins. These homeowners will suddenly find themselves landlords who are responsible for operating and maintaining rental housing. Since lower- and moderate-income homeowners are more likely to be interested in creating and renting out ADUs, providing them with financial assistance and resources that would help them with financing the development phase, as well as with operating and maintaining those rental ADUs, is necessary to achieve desired affordability targets through ADU development.

That said, there are public and private efforts that provide financing and support to homeowners interested in pursuing ADU development on their lots, requiring that the developed ADUs are used as affordable rentals for a range of household incomes with specific affordability terms (and this often prohibits the use of ADUs as seasonal, short-term rentals). Here are three brief examples:

- **The West Denver Single Family Plus (WDSQ. FT. +) Accessory Dwelling Unit (ADU) Pilot Program, Denver, Colorado¹⁷**

This pilot aims to demonstrate the viability of ADU development as one strategy to build wealth for low- and moderate-income homeowners and new affordable rental units. It assists eligible low- and moderate-income homeowners with designing, financing and building ADUs on their residential property. The program provides income qualified homeowners — who live in the West Denver Renaissance Collaborative (WDRC) neighborhood and own a residential property in a zone where ADU development is permitted — with a range of resources, including predevelopment services, a selection of ADU design prototypes, construction management through a nonprofit partner, connections to custom ADU financing and certified housing counseling to guide homeowners through the process. This support also includes connection to affordable ADU development loans and consolidated mortgages that comprise refinancing the mortgage on primary residence and ADU construction loans.

The pilot is focused on enabling participating low- and moderate-income homeowners to rent an ADU to supplement their monthly income while expanding the neighborhood's affordability, as well as boosting their home equity by increasing the property value.

At the same time, the program requires that if the homeowner were to rent the developed ADU or the primary dwelling, it would be affordable to households earning up to 80 percent of the AMI for a 25-year term, while prohibiting the use of the ADU as short-term rental. In 2018, the pilot received an award from Fannie Mae’s Sustainable Communities Innovation Challenge.¹⁸ And In 2019, the Denver City Council approved providing \$500,000 to the WDSQ. FT. + program¹⁹ to fund up to 20 \$25,000 forgivable loans during the pilot. The Strong, Prosperous, And Resilient Communities Challenge (SPARCC), an initiative of Enterprise Community Partners, the Low Income Investment Fund and the Natural Resources Defense Council, has also provided support²⁰ to the pilot, including \$250,000 additional capital grant placed as a revolving fund.

• **The Backyard Homes Project Pilot, Los Angeles, California²²**

This initiative is a collaborative effort between LA-Más, a community development nonprofit, and a group of nonprofit, private and public partners. This program incentivizes homeowners to build and rent out ADUs as affordable units by offering access to financing, design, permitting, construction and leasing support. In exchange for receiving support, the homeowners are required to commit to renting their ADUs to HUD’s Housing Choice (Section 8) Vouchers holders for at least 5 years. This support includes optional access to financing in the form of a permanent mortgage product. It also requires participating homeowners to receive landlord training. While the program was launched open to all property owners in the city of Los Angeles, it has shifted toward assisting homeowners with non-hillside residential properties in Northeast Los Angeles.

• **Small Homes, Big Impact Program, Bay Area, California²²**

Housing Trust Silicon Valley, a nonprofit community loan fund, has launched an ADU financing product to assist Bay Area homeowners interested in creating ADUs with accessing construction loans. This program offers eligible homeowners access to a three-year construction loan with a fixed 5 percent interest rate, requiring that the borrower already has a first mortgage on their home. Eligible homeowners qualify for construction loans of up to \$200,000 to cover both soft and hard development costs, including design and planning fees and ADU construction or the purchase of prefabricated ADUs.

The program requires that participating homeowners rent out their ADUs as rentals affordable to households earning up to 120 percent of the AMI for at least two years. The loan amount is based on the offered rent and will be calculated using the Combined Loan-to-Value approach. That is, the first loan would cover up to 80 percent of the primary and secondary dwelling’s (total property) value and the ADU construction loan would cover up to 17 percent of the remaining total property value. The borrower is only required to pay interest payments for the first year and then principal and interest payments for the remaining two years. And once the construction loan expires, it gets transformed into a permanent loan.



Photo Credit: BuildingAnADU.com

Our research highlights that bringing ADU development to scale requires addressing land use, regulatory and financial barriers to developing this housing production strategy. Addressing those barriers will require eliminating and/or easing municipal requirements and restrictions that constrain ADU development, as well as offering public and private lending products that are tailored for ADU development. In addition, this white paper emphasizes that attaining deeper affordability levels through ADU development requires offering some form of subsidized financing, in exchange for accomplishing the desired affordability levels.

- ADU development is the low end of the gentle density spectrum. Permitting ADU development in single-family zoned areas is the first step toward supporting gentle density
- Bringing ADU development to scale requires easing and/or eliminating municipal regulations and requirements that tend to create regulatory barriers to ADU development, including but not limited to:
 - Discretionary review processes
 - Owner-occupancy requirements
 - Off-street parking requirements
 - Minimum lot size requirements and large setbacks
 - Restrictive size and height caps
 - Prescriptive design standards
 - Impact fees and utility connections cost burdens

- There are persisting barriers to financing ADU development, especially for lower- and moderate-income homeowners. Public and private lending agencies can support ADU development by advancing ADU financing:
 - Federal agencies that back mortgages, such as Freddie Mac, Fannie Mae and the Federal Housing Administration (FHA), as well as private lenders can explore creating lending products tailored for ADU development. These products would:
 - Enable low- and moderate-homeowners interested in pursuing ADU development to finance and develop ADUs on their lots
 - Offer favorable loan terms and interest rates to help mitigate homeowners' risk in lending to finance ADU development
 - Include the projected rental income from the ADU in calculating the DTI and appraised value to avoid offering risk of facing higher loan denials and/or being offered lower capital due to undervalued appraised property value
 - Provide for a loan underwriting process that is tailored for the population in need of ADU financing and the use of lending products for ADU development
 - Federal, state and local agencies, as well as private and philanthropic partners can also support ADU development through offering financial support to low- and moderate-income homeowners. This includes forgivable loans or grants that could be used to cover pre-development costs, such as design and permitting costs, gap financing and/or down payments for homeowners who lack access to sufficient home equity and/or capital. This is particularly important for low- and moderate-income homeowners who are interested in using their developed ADUs as rental ADUs, as they could build wealth from additional income while boosting the supply of rental housing and affordability in their market.

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**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

I. Call to Order

Present: Tim Haynes, Kendall Neill, Lisa Richard, Anthony (Tony) Royse, Rachel Lyon, Andy McLenon, Michelle Anderson

Absent: Mary Jo Meier, Brent Littleton

Guests: Morris Quigley, Billie Jo Quigley, Chuck Beale, Abby Beale, Judith Umlauf, Kyle Owens, Barbara Phillips

II. Minutes

- a. Consider approving minutes of the November 1, 2022 Planning and Zoning meeting.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission approved the minutes of the November 1, 2022 Planning and Zoning meeting.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

III. Board of Zoning Appeals (Does not include outside City appointments)

- a. Public Hearing to receive comments on a variance request to exceed size and number of signs in a C-3, business district zone at 113 W. Myrtle Street.

Kendall Neill opened the public hearing.

This item was adjourned from the Tuesday, November 1, 2022 meeting. It was explained that the applicant asked for the meeting to be adjourned to the February 7, 2022 Planning Commission and Board of Zoning meeting.

Motion:

On the motion of Kendall Neill, seconded by Tim Haynes the Commission adjourned the public hearing to consider a variance to exceed the size and number of signs in a C-3, central business district at 113 W. Myrtle Street to February 7, 2022 at 5:30 pm.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

- b. Public Hearing to receive comments on a variance request for accessory uses as "permanent occupancy as housekeeping units" at 701 Taylor Road and 2423 Linda Jean Drive.

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Kendall Neill opened the public hearing.

Chuck Beale stated that the garage itself is 900 square feet, 25 x 36.

Tony Royse asked if the utilities are separated or shared and does each structure have their own meter.

Chuck Beale stated that the electric and water is separated.

Tim Haynes asked if each structure had its own driveway and whether there were any concerns about emergency services.

Chuck Beale said yes, there are two driveways. There is still one stall for the garage. The remodeled part is a studio apartment. There is a driveway off of Taylor and one off of Linda Jean.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission authorized a variance for "permanent occupancy as housing units" as an accessory use at 701 Taylor Road (also known as 2423 Linda Jean Drive).

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Kendall Neill, Lisa Richard

Nay: Anthony (Tony) Royse

IV. Planning Commission

- a. Public Hearing to receive comments to consider rezoning a tract of land at 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multifamily dwelling district.

Kendall Neill opened the public hearing.

Anthony Royse felt that there is a difference with the garage being used as a "mother-in-law" type housing and multi-family housing. The R-1 zoning is large lot with a big yard and this is nothing but a spot zoning which only benefits the property owner and is a disadvantage to the nearby land owners. In looking at a two-family structure that has to be 4,000 square foot, does that mean each structure has to be 4,000 square foot or larger? With the rezoning there are large business that could go in and they do not belong in an R-1 neighborhood. This is not a place for an R-3. There is no benefit.

Kelly Passauer said no, the 4,000 square foot per dwelling unit is the lot area

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and the lot is 20,000 square feet.

Lisa Richard asked why the rezoning is needed since a variance was just issued.

Kelly Passauer said that the variance was needed to allow the garage to be rented out to another family long-term since that is not allowed by City code. Rezoning to R-3 seemed the best way to allow more than one family to reside on one lot. The most this type of low density zoning would allow would be a duplex or triplex.

Kendall Neill closed the public hearing.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission approved rezoning a tract of land at 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multi-family district.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard

Nay: Anthony (Tony) Royse

- b. Public hearing to receive comments on a request for a conditional use permit for "Antiques - Retail" in a C-1 neighborhood business district at 504-506 South 10th Street.

Kendall Neill opened the public hearing.

Rachel Lyon told the applicants that they had cleaned up the area very well.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission approved a conditional use permit for "Antiques-Retail" in a C-1 neighborhood business district at 504-506 South 10th Street with the following conditions:

1. The conditional use permit is not transferable to another property owner or to another location.
2. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes. This would include the requirement to acquire a City occupation license which must be renewed annually.
3. The exterior of the property must be cleaned up and kept clean to meet City code.

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Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

- c. Public hearing to receive comments to consider rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district to C-2, commercial services district.

Kendall Neill opened the public hearing.

Discussion was had about how many car washes there are in town and how this has been a topic of debate lately.

Kendall Neill closed the public hearing.

Lisa Richard does not think the intent of the Comprehensive Plan was to make the area between the downtown and the railroad tracks commercial. She stated that one of the goals is to phase out commercial businesses from residential areas and R-3 was to be used as a buffer. She recommended that the Board table the hearing until they could go over the Comprehensive Plan to make sure that it is being followed.

Kendall Neill reminded the Board that there are several C-2 businesses right there in the same area. Going back and using the 1982 Comprehensive Plan as the basis of our decisions is difficult to do because it is so outdated in terms of how the world operates today.

Kelly Passauer said that if the rezoning is approved the side and rear yard setbacks adjoining residential will be 25 feet.

Lisa Richard asked if the company would be doing a variance on that next.

Kelly Passauer said it depends how they develop it.

Rachel Lyon said that things have changed in forty years, it does not have the same residential appeal. She does not know of any problems with the other car washes.

Kelly Passauer said that you could include a privacy fence as a condition of rezoning.

Lisa Richard said housing was eliminated for the other businesses and now another home is being eliminated and we are caving in to every little step because we do not want to be considered anti-business.

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Kendall Neill said that Independence is growing and the value of the downtown housing project is going to go up. Because of this carwash project, many businesses will benefit from building the carwash and the City will receive revenue. The spot we are talking about is a sore spot to people driving through the city. It will end up being a nice looking building that will be kept nice.

Tony Royse stated that this item is not about the car wash but about rezoning. If it is rezoned as a C-2 there are several businesses that could go in there that would not be appropriate to a residential neighborhood. There is no way to buffer noise and trash from a carwash and the residential neighborhood.

Andy McLenon said this board has been talking about the Comprehensive Plan for the last ten years. This location is going to become a C-2 whether we like it or not. No one is going to construct a brand new home right there on a major thoroughfare. If we do not pick up the bill to rezone this area, the City will pick up the bill for demolishing it.

Lisa Richard moved to table the public hearing until the next meeting to discuss when there is more information about what the intent is for that area. If the Comprehensive Plan is not going to be used then it should not be brought up. The vote died due to lack of a second.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Kendall Neill the Commission approved rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multi-family dwelling district to C-2, commercial services district.

Aye: Michelle Anderson, Rachel Lyon, Andy McLenon, Kendall Neill, Anthony (Tony) Royse

Nay: Lisa Richard

Abstain: Tim Haynes because he could not decide

- d. Public hearing to consider a text amendment to the zoning code relating to temporary signs.

Kendall Neill opened the public hearing.

The City Commission initiated a public hearing before the Planning and Zoning Commission to consider a text amendment to the zoning code relating to political signs in order to comply with State statutes. The proposed text amendment to be in compliance with K.S.A. 25-2711. Placement of political signs during election period. No city or county shall regulate or prohibit the

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placement of or the number of political signs on private property or the unpaved right-of-way for city streets or county roads on private property during the 45-day period prior to any election and the two-day period following any such election. Cities and counties may regulate the size and a set-back distance for the placement of signs so as not to impede sight lines or sight distance for safety reasons.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Anthony (Tony) Royse the Commission approved a text amendment to Section 803.3 Temporary signs: all political signs, real estate signs, garage sale signs, or other signs of a temporary nature for a personal gain shall conform with the following requirements: a. No temporary signs of any nature shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, provided however, this subsection shall not apply to the placement of political signs during the 45-day period prior to any election and the 2-day period following any such election. b. This ordinance shall take effect upon its publication in the official city newspaper. The nature and effect of this amendment is to be in compliance with State law.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

- e. Consider initiating the rezoning of a tract of land at 800 N. 21st Street to M-1, light industrial district.

On July 29, 2004 the City Commission adopted an ordinance annexing the former SMP property at 800 N 21st Street. Earthcare, who currently owns the property, approached City staff wanting to know how the property was zoned. City staff was unable to locate any documentation that initiated the rezoning of this property after it was annexed. In order to correct this issue, the Planning Commission is being asked to consider initiating rezoning of this parcel to M-1, light industrial district at the January 3, 2023 agenda.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Rachel Lyon the Commission initiated a public hearing on January 3, 2022 to rezone 800 N 21st Street to M-1, light industrial district.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

V. Discussion

VI. Adjournment

UNAPPROVED



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting a resolution for a conditional use permit for "Antiques - Retail" in a C-1 neighborhood business district at 504-506 South 10th Street.

SUMMARY RECOMMENDATION Recommend adopting a resolution for a conditional use permit for "Antiques-Retail" in a C-1 neighborhood business district at 504-506 South 10th Street with conditions.

BACKGROUND On December 6, 2022, the Planning Commission held a public hearing to consider a conditional use permit for "Antiques-Retail" in a C-1 neighborhood business district at 504-506 South 10th Street with conditions. No one from the notification area spoke at the public hearing other than the applicant. The Planning Commission unanimously recommended approving the conditional use permit as recommended by City staff.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to adopt a Resolution adopting a conditional use permit for "Antiques-Retail" in a C-1 neighborhood business district at 504-506 South 10th Street with conditions.

SUPPORTING DOCUMENTS

1. RESOLUTION 2022-065 - CUP 504-506 S 10TH ST
2. 12062022-RPCA-504-506S10th
3. Unapproved December 6 2022 PZ Minutes

RESOLUTION NO. 2022 – 065

A RESOLUTION AUTHORIZING A CONDITIONAL USE PERMIT TO OPERATE AN ANTIQUE RETAIL STORE AT 504-506 SOUTH 10TH STREET

WHEREAS, at a public hearing conducted on November 4, 2014, the Independence Planning and Zoning Commission voted to approve a request for a conditional use permit to operate an antique retail store at 506 South 10th Street.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Independence, Kansas:

The recommendation of the Independence Planning & Zoning Commission to issue a conditional use permit to operate an antique retail store at 506 South 10th Street, is approved as hereinafter modified.

The property in question has the following legal description:

South 23.8' of Lot 11, Owners Subdivision to the City of Independence, Montgomery County, Kansas.

The applicant must meet the following requirements:

1. The conditional use permit is not transferable to another property owner or to another location.
2. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes. This would include the requirement to acquire a City occupation license which must be renewed annually.
3. The exterior of the property must be cleaned up and kept clean to meet city code.

Adopted and approved by the Governing Body of the City of Independence, Kansas, on this 22nd day of December, 2022.

RESOLUTION NO. 2022 – 065

(Attest)

Dean A. Hayse, Mayor

David Schwenker, City Clerk



REQUEST FOR PLANNING COMMISSION ACTION CONDITIONAL USE CITY OF INDEPENDENCE DECEMBER 6, 2022

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public hearing to receive comments on a request for a conditional use permit for "Antiques - Retail" in a C-1 neighborhood business district at 504-506 South 10th Street.

SUMMARY RECOMMENDATION Recommend approval of the conditional use permit for "Antiques-Retail" in a C-1 neighborhood business district at 504-506 South 10th Street with conditions.

BACKGROUND Billie Jo Quigly wants to open an antique shop at 504-506 South 10th Street. This address served as an antique shop previously. Opening an antique store in a C-1 neighborhood business district requires a conditional use permit which cannot be transferred.

		Permitted Zoning District												
Land Use Category	Code	A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2
Antiques—retail	5931								C	P	P	P		

Policy Explanation 901.1. Purpose: Conditional uses are those types of uses which are considered by the city to be essentially desirable, necessary, or convenient to the community but which by their nature or operation have (1) a tendency to generate excessive traffic, (2) a potential for attracting a large number of persons to the area of the use, thus creating noise or other pollutants, (3) a detrimental effect upon the value of or potential development of other properties in the neighborhood, or (4) an extraordinary potential for accidents or danger to the public health or safety.

Such conditional uses cannot be allowed to locate as a "right" on any parcel of land within certain districts without consideration of existing conditions at the proposed location and of properties neighboring upon the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse factors.

901.2. Authority to grant permits: The governing body shall have the authority to grant conditional use permits, subject to such conditions of design and operation safeguards and time limitations as it may determine for all conditional uses specified in appendix "A" of this ordinance and for all permitted uses for which the planning and zoning commission has found that by their nature or in their operation have characteristics listed in clauses (1), (2), (3) and (4) of section 901.1 of this article, provided, however, that said conditional use permits for permitted uses shall not establish standards or conditions that are less restrictive than those set out in the district regulations for the district in which said use is located.

Action by the Planning Commission Upon receiving the application for conditional use permit from the zoning administrator, the planning commission shall publish notice and hold public hearing on the proposal. Procedures for public hearings shall be handled the same as a zoning amendment as described in section 1603.0 of the zoning code. If the planning commission determines that additional information should be provided to it before making a decision, the planning commission may adjourn the public hearing to a new date

and require the applicant to provide such additional information. The decision of the planning commission to recommend approval or denial of the proposed conditional use shall be based on any or all of the following criteria which the planning commission determines to be relevant:

- a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation.
- b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
- c. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- d. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate use of the neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 1. The location, nature and height of buildings, structures, walls and fences on the site, and
 2. The nature and extent of landscaping and screening on the site.
- e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations (article VII).
- f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

902.3. Additional requirements: In consideration of requests for any conditional use permits the planning commission shall recommend to the governing body such conditions of use as it deems necessary to protect the best interests of the city, and the surrounding property and to achieve the objectives of this ordinance. These additional requirements shall include, but not be limited to, those special provisions applying the miscellaneous conditional uses, specified in article X.

A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance, and grounds for the zoning administrator to terminate and cancel such conditional use permit.

STAFF RECOMMENDATION Staff recommends approving a conditional use permit to sell antiques at 504-506 South 10th Street. Billie Jo is a new owner of the business and needs her own conditional use permit. Conditional use permits are not transferrable.

SUGGESTED MOTION I move to approve a conditional use permit for "Antiques-Retail" in a C-1 neighborhood business district at 504-506 South 10th Street with the following conditions:

1. The conditional use permit is not transferable to another property owner or to another location.
2. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes. This would include the requirement to acquire a City occupation license which must be renewed annually.
3. The exterior of the property must be cleaned up and kept clean to meet City code.

SUPPORTING DOCUMENTS

1. 504-506 S 10th Public Hearing Notice and 200' Notification Map
2. CUP 504-506 S 10th Antiques Retail Application and Receipt

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Planning Commission will conduct a public hearing on:

Tuesday, December 6, 2022, at 5:30 p.m.

To receive comments on a request for a conditional use permit for “Antiques – Retail” in a C-1, neighborhood business district at 504-506 South 10th Street.

Legal Description:

N 26.2', Lot 11; S 23.8' Lot 11, Owners Subdivision to the City of Independence, Montgomery County, Kansas.

Common Address:

504-506 South 10th Street

Applicant/Owners:

Billie Jo Quigley

Case Number:

2022/CUP/08

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+1785-289-4727) Conference ID: 652 632 373# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
811 W Laurel Street
Independence, KS 67301
(620) 332-2506

Information regarding this application is available in the Zoning Administrator's office. If special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator

200' Notification



APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING COMMISSION

DATE FILED 10-13-22
\$200 FEE PAID _____

NAME AND ADDRESS OF PERSON MAKING APPLICATION:

Billie So Quigley 1405 Irving Independence St

LEGAL DESCRIPTION OF LAND INVOLVED:

N 26.2 S 23.8 Lot 11 OWNERS SUB

COMMON ADDRESS OF SAID LAND:

504-506 S 10th

PRESENT ZONING CLASSIFICATION: COMMERCIAL Antique Fle Market C-1 COMMERCIAL SERVICES DIST

STATEMENT OF INTENDED USE OF PROPERTY:

SAME RESALE ANTIQUES

DESCRIPTION OF ARCHITECTURE & EXTERIOR MATERIAL TO BE USED:

NO CHANGES

On the reverse side, please provide the following information: (1) Site Plan, drawn at appropriate scale, showing existing and proposed building location, parking areas, interior drives, and location and type of outdoor lighting; (2) Existing and proposed topography, drawn at appropriate contour intervals as specified by the Zoning Administrator; (3) Location of, and proposed connections to, existing water supply and sanitary sewage system; (4) North point, scale and date; (5) Names of landowner, developer and firm preparing the plan.

10-13-22
Date

Billie So Quigley
Signature of Applicant

I hereby certify that I have personally verified the dimensions as shown on the attached drawing and find them to be a correct representation of the conditions.

Date

Signature of Building Inspector

Action of Planning and Zoning Commission:

(Approved, Denied --- Date)

Comments:

Chairman

Vice Chairman

Secretary

CITY OF INDEPENDENCE

REC#: 01203636 10/13/2022 11:31 AM
OPER: JESS TERM: 001
REF#:

TRAN: 1.9000 VARIANCE
BILLIE QUIGLEY 504-506 S 10TH
CONDITIONAL USE PERMIT
MISC FEES 200.00CR

TENDERED: 200.00 CHECK
APPLIED: 200.00-

CHANGE: 0.00

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

I. Call to Order

Present: Tim Haynes, Kendall Neill, Lisa Richard, Anthony (Tony) Royse, Rachel Lyon, Andy McLenon, Michelle Anderson

Absent: Mary Jo Meier, Brent Littleton

Guests: Morris Quigley, Billie Jo Quigley, Chuck Beale, Abby Beale, Judith Umlauf, Kyle Owens, Barbara Phillips

II. Minutes

- a. Consider approving minutes of the November 1, 2022 Planning and Zoning meeting.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission approved the minutes of the November 1, 2022 Planning and Zoning meeting.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

III. Board of Zoning Appeals (Does not include outside City appointments)

- a. Public Hearing to receive comments on a variance request to exceed size and number of signs in a C-3, business district zone at 113 W. Myrtle Street.

Kendall Neill opened the public hearing.

This item was adjourned from the Tuesday, November 1, 2022 meeting. It was explained that the applicant asked for the meeting to be adjourned to the February 7, 2022 Planning Commission and Board of Zoning meeting.

Motion:

On the motion of Kendall Neill, seconded by Tim Haynes the Commission adjourned the public hearing to consider a variance to exceed the size and number of signs in a C-3, central business district at 113 W. Myrtle Street to February 7, 2022 at 5:30 pm.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

- b. Public Hearing to receive comments on a variance request for accessory uses as "permanent occupancy as housekeeping units" at 701 Taylor Road and 2423 Linda Jean Drive.

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting

Kendall Neill opened the public hearing.

Chuck Beale stated that the garage itself is 900 square feet, 25 x 36.

Tony Royse asked if the utilities are separated or shared and does each structure have their own meter.

Chuck Beale stated that the electric and water is separated.

Tim Haynes asked if each structure had its own driveway and whether there were any concerns about emergency services.

Chuck Beale said yes, there are two driveways. There is still one stall for the garage. The remodeled part is a studio apartment. There is a driveway off of Taylor and one off of Linda Jean.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission authorized a variance for "permanent occupancy as housing units" as an accessory use at 701 Taylor Road (also known as 2423 Linda Jean Drive).

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Kendall Neill, Lisa Richard

Nay: Anthony (Tony) Royse

IV. Planning Commission

- a. Public Hearing to receive comments to consider rezoning a tract of land at 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multifamily dwelling district.

Kendall Neill opened the public hearing.

Anthony Royse felt that there is a difference with the garage being used as a "mother-in-law" type housing and multi-family housing. The R-1 zoning is large lot with a big yard and this is nothing but a spot zoning which only benefits the property owner and is a disadvantage to the nearby land owners. In looking at a two-family structure that has to be 4,000 square foot, does that mean each structure has to be 4,000 square foot or larger? With the rezoning there are large business that could go in and they do not belong in an R-1 neighborhood. This is not a place for an R-3. There is no benefit.

Kelly Passauer said no, the 4,000 square foot per dwelling unit is the lot area

and the lot is 20,000 square feet.

Lisa Richard asked why the rezoning is needed since a variance was just issued.

Kelly Passauer said that the variance was needed to allow the garage to be rented out to another family long-term since that is not allowed by City code. Rezoning to R-3 seemed the best way to allow more than one family to reside on one lot. The most this type of low density zoning would allow would be a duplex or triplex.

Kendall Neill closed the public hearing.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission approved rezoning a tract of land at 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multi-family district.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard

Nay: Anthony (Tony) Royse

- b. Public hearing to receive comments on a request for a conditional use permit for "Antiques - Retail" in a C-1 neighborhood business district at 504-506 South 10th Street.

Kendall Neill opened the public hearing.

Rachel Lyon told the applicants that they had cleaned up the area very well.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission approved a conditional use permit for "Antiques-Retail" in a C-1 neighborhood business district at 504-506 South 10th Street with the following conditions:

1. The conditional use permit is not transferable to another property owner or to another location.
2. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes. This would include the requirement to acquire a City occupation license which must be renewed annually.
3. The exterior of the property must be cleaned up and kept clean to meet City code.

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

- c. Public hearing to receive comments to consider rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district to C-2, commercial services district.

Kendall Neill opened the public hearing.

Discussion was had about how many car washes there are in town and how this has been a topic of debate lately.

Kendall Neill closed the public hearing.

Lisa Richard does not think the intent of the Comprehensive Plan was to make the area between the downtown and the railroad tracks commercial. She stated that one of the goals is to phase out commercial businesses from residential areas and R-3 was to be used as a buffer. She recommended that the Board table the hearing until they could go over the Comprehensive Plan to make sure that it is being followed.

Kendall Neill reminded the Board that there are several C-2 businesses right there in the same area. Going back and using the 1982 Comprehensive Plan as the basis of our decisions is difficult to do because it is so outdated in terms of how the world operates today.

Kelly Passauer said that if the rezoning is approved the side and rear yard setbacks adjoining residential will be 25 feet.

Lisa Richard asked if the company would be doing a variance on that next.

Kelly Passauer said it depends how they develop it.

Rachel Lyon said that things have changed in forty years, it does not have the same residential appeal. She does not know of any problems with the other car washes.

Kelly Passauer said that you could include a privacy fence as a condition of rezoning.

Lisa Richard said housing was eliminated for the other businesses and now another home is being eliminated and we are caving in to every little step because we do not want to be considered anti-business.

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting

Kendall Neill said that Independence is growing and the value of the downtown housing project is going to go up. Because of this carwash project, many businesses will benefit from building the carwash and the City will receive revenue. The spot we are talking about is a sore spot to people driving through the city. It will end up being a nice looking building that will be kept nice.

Tony Royse stated that this item is not about the car wash but about rezoning. If it is rezoned as a C-2 there are several businesses that could go in there that would not be appropriate to a residential neighborhood. There is no way to buffer noise and trash from a carwash and the residential neighborhood.

Andy McLenon said this board has been talking about the Comprehensive Plan for the last ten years. This location is going to become a C-2 whether we like it or not. No one is going to construct a brand new home right there on a major thoroughfare. If we do not pick up the bill to rezone this area, the City will pick up the bill for demolishing it.

Lisa Richard moved to table the public hearing until the next meeting to discuss when there is more information about what the intent is for that area. If the Comprehensive Plan is not going to be used then it should not be brought up. The vote died due to lack of a second.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Kendall Neill the Commission approved rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multi-family dwelling district to C-2, commercial services district.

Aye: Michelle Anderson, Rachel Lyon, Andy McLenon, Kendall Neill, Anthony (Tony) Royse

Nay: Lisa Richard

Abstain: Tim Haynes because he could not decide

- d. Public hearing to consider a text amendment to the zoning code relating to temporary signs.

Kendall Neill opened the public hearing.

The City Commission initiated a public hearing before the Planning and Zoning Commission to consider a text amendment to the zoning code relating to political signs in order to comply with State statutes. The proposed text amendment to be in compliance with K.S.A. 25-2711. Placement of political signs during election period. No city or county shall regulate or prohibit the

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

placement of or the number of political signs on private property or the unpaved right-of-way for city streets or county roads on private property during the 45-day period prior to any election and the two-day period following any such election. Cities and counties may regulate the size and a set-back distance for the placement of signs so as not to impede sight lines or sight distance for safety reasons.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Anthony (Tony) Royse the Commission approved a text amendment to Section 803.3 Temporary signs: all political signs, real estate signs, garage sale signs, or other signs of a temporary nature for a personal gain shall conform with the following requirements: a. No temporary signs of any nature shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, provided however, this subsection shall not apply to the placement of political signs during the 45-day period prior to any election and the 2-day period following any such election. b. This ordinance shall take effect upon its publication in the official city newspaper. The nature and effect of this amendment is to be in compliance with State law.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

- e. Consider initiating the rezoning of a tract of land at 800 N. 21st Street to M-1, light industrial district.

On July 29, 2004 the City Commission adopted an ordinance annexing the former SMP property at 800 N 21st Street. Earthcare, who currently owns the property, approached City staff wanting to know how the property was zoned. City staff was unable to locate any documentation that initiated the rezoning of this property after it was annexed. In order to correct this issue, the Planning Commission is being asked to consider initiating rezoning of this parcel to M-1, light industrial district at the January 3, 2023 agenda.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Rachel Lyon the Commission initiated a public hearing on January 3, 2022 to rezone 800 N 21st Street to M-1, light industrial district.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

V. Discussion

VI. Adjournment

UNAPPROVED



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider adopting an ordinance rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district to C-2, commercial services district.

SUMMARY RECOMMENDATION Adopt an ordinance rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district to C-2, commercial services district.

BACKGROUND On December 6, 2022, the Planning Commission held a public hearing to consider rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district, to C-2, commercial services district. No one from the notification area except the applicant commented at the public hearing. One of the Planning Commissioners felt strongly that this rezoning did not follow the Comprehensive Plan as she felt this area should remain residential and made a recommendation to table action. That motion died due to a lack of a second. A second motion was made to approve the rezoning, which passed with five members in favor, one opposed, and one abstained.

FINANCIAL INFORMATION N/A

SUGGESTED MOTION I move to adopt an ordinance rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district to C-2, commercial services district.

SUPPORTING DOCUMENTS

1. Ordinance Rezoning 600 606 610 W Main
2. 12062022-RPCA-600-610WMain
3. Unapproved December 6 2022 PZ Minutes

ORDINANCE NO. 4421

AN ORDINANCE REZONING LAND FROM R-3, LOW DENSITY MULTIFAMILY DWELLING DISTRICT TO C-2, COMMERCIAL SERVICES DISTRICT LOCATED AT 600, 606 AND 610 WEST MAIN STREET.

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. The following described real estate is hereby rezoned from R-1, large lot single-family dwelling district to R-3, low density multifamily dwelling district:

E 7.5' Lot 10; Lots 11-18 Block 37, Original Plat to the City of Independence, Montgomery County, Kansas.

Section 2. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 22nd day of December, 2022.

DEAN A. HAYSE, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk



**REQUEST FOR PLANNING COMMISSION ACTION
REZONING
CITY OF INDEPENDENCE
DECEMBER 6, 2022**

Department Admin

Prepared By Lydia Collins

AGENDA ITEM Public hearing to receive comments to consider rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district to C-2, commercial services district.

SUMMARY RECOMMENDATION Approve rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district to C-2, commercial services district.

BACKGROUND Pete's Corporation wishes to construct an automatic car wash on land they recently purchased at 600, 606 and 610 West Main Street. A portion of this property contained the former Jiffy Mart. Although this was a commercial business, it was located in a residential zone as it pre-existed prior to the zoning code being adopted and was a nonconforming use.

510.0. - C-2, commercial services district.

510.1. Intent: District C-2 is intended primarily for general trades and commercial services located at specific points on major thoroughfares outside of central or neighborhood business districts. This district is particularly appropriate adjoining a major highway. Such an area draws highway trade uses such as restaurants, service stations, and motels which are not totally compatible with shopping center developments but which may be grouped together quite advantageously as highway service centers.

510.2. Permitted uses: The listing of permitted uses is set out in appendix "A" of these regulations.

510.3. Conditional uses: The listing of conditional uses is set out in appendix "A" of these regulations.

510.4. Intensity of use regulations:

a. Maximum lot coverage: 50 percent.

510.5. Height regulations:

a. Maximum structure height: 35 feet or 2½ stories (whichever is smaller).

510.6. Yard regulations:

a. Minimum front yard: 35 feet measured from property line.

b. Minimum side yard: None.

Exception: Ten feet where abutting a side street; 15 feet where abutting a C-1 or O&P zone; 25 feet where abutting a residential zone.

c. Minimum rear yard: Ten feet.

Exception: 25 feet where abutting a residential zone.

510.7. Parking and loading regulations: See article VII.

510.8. Use limitations:

a. Gasoline pumps, air and water service and other fixtures used in connection with automobile service stations may be located within the front yard but not less than 12 feet from the front lot line.

b. No structure shall be used for residential purposes except by the owner, owner's agent or the operator of the business located on the premises, except that accommodations may be offered to transient public by motels and hotels.

c. Exterior lighting fixtures shall be shaded where necessary to avoid casting direct light on any property located in a residential district.

(Ord. No. 3824, 5-12-00; Ord. No. 3845, § 1, 11-27-00)

Automobile Wash Services are permitted in a C-2, commercial services district.

	Permitted Zoning District													
Land Use Category	Code	A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2
Automobile wash services	6412								C	P	P	P	P	P

POLICY EXPLANATION Acceptance of a rezoning request must be based on the following factors: A) Character of the neighborhood, B) Zoning and uses of properties nearby, C) Suitability of the subject property for the uses to which it has been restricted, D) Extent to which the proposed use will detrimentally affect nearby property, E) Length of time the subject property has remained vacant as zoned, F) Public gain versus private hardship, G) Economic impact on the owner of the subject property and the economic impact on the surrounding properties, H) Recommendation of City's permanent staff, I) Conformance with the comprehensive plan, J) Availability and adequacy of required utilities and services to serve the proposed use, K) Impact on streets and parking, L) Environmental impacts, M) Ability to meet requirements of applicable codes.

LEGAL ADDRESS E 7.5' Lot 10; Lots 11-18 Block 37, Original Plat to the City of Independence, Montgomery County, Kansas.

DESCRIPTION OF TRACT(S) 600 West Main commercial business, 606 West Main vacant lot, 610 West Main residence.

ZONING AND USES OF PROPERTY NEARBY North: R-3, low density multifamily dwelling district; South: C-2, commercial services district; East: R-3, low density multifamily dwelling district; and West: R-3, low density multifamily dwelling district.

CHARACTER OF THE NEIGHBORHOOD Residential and commercial.

SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED According to the City's records, 600 West Main was Jiffy Mart from at least February 1990 to February 2022 when it closed. It is believed that this business was a convenience store prior to 1990 as well. It operated as a business in an R-3 residential area as a nonconforming use. Since it has been sold, the zoning will have to be changed before a new business can operate there.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED 600 West Main - 8 months; 606 West Main - 8 years; 610 W Main - rental property sold to Pete's Corporation within the last month.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY 606 is an empty lot and Jiffy Mart had operated as a business for 32 years. There are other commercial businesses in the area. It should not detrimentally affect nearby property.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS The destruction of the property would leave three empty lots on West Main Street. Adding a carwash would add a business to the neighborhood.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

OBJECTIVE C2 Provide areas away from downtown for clustered and coordinated commercial development to serve businesses with acreage requirements that cannot be accommodated in downtown.

OBJECTIVE C4 Limit strip commercial development along the major streets to business directly serving the motoring public.

POLICY C41 Strip commercial development, single commercial uses stringing out along a street, shall be limited to those uses directly serving the motoring public such as motels, service stations and fast-food restaurants.

POLICY C42 Strip commercial development shall be limited to major highway entrances to the City and shall be permitted only limited access to Major streets via frontage roads. Generally, commercial use shall be confined to the west side of Pennsylvania between Oak and Mulberry, west on U. S. 75 as far as 1/2 mile west of Peter Pan Road.

STAFF RECOMMENDATION City staff recommends approving the rezoning application for three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district to C-2, commercial services district.

SUGGESTED MOTION I move to recommend approving the rezoning application for three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district to C-2, commercial services district.

SUPPORTING DOCUMENTS

1. Public Hearing Notice Rezoning 600, 606, 610 E Main Street
2. 600, 606, 610 W Main Notification
3. West Main Rezoning Carwash App and Pmt

City of Independence, Kansas

NOTICE TO THE PUBLIC

The Independence, Kansas, Planning Commission will conduct a public hearing on:

Tuesday, December 6, 2022, at 5:30 p.m.

To receive comments to consider rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district to C-2, commercial services district.

Legal Description:

E 7.5' Lot 10; Lots 11-18 Block 37, Original Plat to the City of Independence, Montgomery County, Kansas.

Common Address:

600, 606 and 610 West Main Street

Applicant/Owners:

Pete's Corporation

Case Number:

2022/ZA/07

The hearing will be conducted in the Civic Center, Memorial Hall, Penn/Locust, Independence, Kansas, and will begin at 5:30 p.m. All interested persons should attend, and they will be heard. You may also participate via conference call: [+1 785-289-4727](tel:+1785-289-4727) Conference ID: 652 632 373# Persons wishing to comment, but who cannot attend this hearing, should provide their written comments to:

Kelly Passauer
Zoning Administrator
811 W Laurel Street
Independence, KS 67301
(620) 332-2506

Information regarding this application is available in the Zoning Administrator's office. If special accommodation is required, please inform the Zoning Administrator.

Kelly Passauer, Zoning Administrator

200' Notification Area



**INDEPENDENCE
PLANNING & ZONING
COMMISSION**

**APPLICATION
FOR
REZONING**

1. Case #: _____
 2. Date Filed: _____
 3. Fee Paid: _____
 4. Hearing: _____
 5. Published: _____

To be filled out by applicant

1. Applicant's name: Pete's Coporation
2. Applicant's address: 1712 Broadway Parsons Kansas Phone: 620-778-0915
3. Address of property proposed for rezoning: 600,606, 610 West Main Independence Kansas 67301
4. Present owner's name: Pete's Corporation
5. Present zoning: Vacant / Residential Proposed zoning: Commercial ~~Res~~ C-2
6. Legal description of property proposed for rezoning (if more space is required, use back of form):
ORIG PLAT, S36, T32, R15, BLOCK 37, Lot 14 & 15; Lot Width: 046.0 Lot Depth: 140.0 (VACANT LOT)
ORIG PLAT, S36, T32, R15, E 7.5' LOT 10; LOTS 11-13 BLK 37; Lot Width: 076.5 Lot Depth: 140.0 (RESIDENTIAL)
ORIG PLAT, S36, T32, R15, BLOCK 37, Lot 16 -18; Lot Width: 070.0 Lot Depth: 140.0 (Jiffy Mart)
7. Present use of property (check one of the following): 606 West Main Vacant. 610 West Main House Owned
 (a) Vacant ☒ (b) Residential ☒ (c) Commercial ☐ (d) Industrial ☐
8. Desired use of property: Requesting commercial property to build new automatic touch less and car wash.
9. Use and zoning of adjacent property:
- | | |
|-------------------------------|-------------------|
| North: Use <u>Residential</u> | Zoning <u>R-3</u> |
| South: Use <u>Commercial</u> | Zoning <u>C-2</u> |
| East: Use <u>Residential</u> | Zoning <u>R-3</u> |
| West: Use <u>Residential</u> | Zoning <u>R-3</u> |
10. List reasons for this request:
Pete's Corporation owns the Jiffy Mart Building, Lot Adjacent at 606 West Main, Lots and house located at 610 West Main. Rezoning would allow the developement of a Automatic Car Wash to be built on the location.
New Business will serve the commnuity, bring additional tax revenue to the City of Independence

Date: 10/20/22 Signature: [Signature]

Planning Commission Action – do not write in this space

1. Facts found: _____
2. Determination: _____

CITY OF INDEPENDENCE

REC#: 01205253 10/26/2022 9:37 AM
OPER: JESS TERM: 001
REF#:

ACCT #: XXXX-XXXX-XXXX-4091
AUTH #: 09035G
TRAN #: 000003361385
TYPE: PURCHASE
ENTRY MODE: MANUAL

TRAN: 1.9000 VARIANCE
600-606-610 W MAIN
RE ZONING
MISC FEES

200.00CR

TENDERED: 200.00 CREDIT CARD
APPLIED: 200.00-

CHANGE: 0.00

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

I. Call to Order

Present: Tim Haynes, Kendall Neill, Lisa Richard, Anthony (Tony) Royse, Rachel Lyon, Andy McLenon, Michelle Anderson

Absent: Mary Jo Meier, Brent Littleton

Guests: Morris Quigley, Billie Jo Quigley, Chuck Beale, Abby Beale, Judith Umlauf, Kyle Owens, Barbara Phillips

II. Minutes

- a. Consider approving minutes of the November 1, 2022 Planning and Zoning meeting.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission approved the minutes of the November 1, 2022 Planning and Zoning meeting.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

III. Board of Zoning Appeals (Does not include outside City appointments)

- a. Public Hearing to receive comments on a variance request to exceed size and number of signs in a C-3, business district zone at 113 W. Myrtle Street.

Kendall Neill opened the public hearing.

This item was adjourned from the Tuesday, November 1, 2022 meeting. It was explained that the applicant asked for the meeting to be adjourned to the February 7, 2022 Planning Commission and Board of Zoning meeting.

Motion:

On the motion of Kendall Neill, seconded by Tim Haynes the Commission adjourned the public hearing to consider a variance to exceed the size and number of signs in a C-3, central business district at 113 W. Myrtle Street to February 7, 2022 at 5:30 pm.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

- b. Public Hearing to receive comments on a variance request for accessory uses as "permanent occupancy as housekeeping units" at 701 Taylor Road and 2423 Linda Jean Drive.

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting

Kendall Neill opened the public hearing.

Chuck Beale stated that the garage itself is 900 square feet, 25 x 36.

Tony Royse asked if the utilities are separated or shared and does each structure have their own meter.

Chuck Beale stated that the electric and water is separated.

Tim Haynes asked if each structure had its own driveway and whether there were any concerns about emergency services.

Chuck Beale said yes, there are two driveways. There is still one stall for the garage. The remodeled part is a studio apartment. There is a driveway off of Taylor and one off of Linda Jean.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission authorized a variance for "permanent occupancy as housing units" as an accessory use at 701 Taylor Road (also known as 2423 Linda Jean Drive).

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Kendall Neill, Lisa Richard

Nay: Anthony (Tony) Royse

IV. Planning Commission

- a. Public Hearing to receive comments to consider rezoning a tract of land at 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multifamily dwelling district.

Kendall Neill opened the public hearing.

Anthony Royse felt that there is a difference with the garage being used as a "mother-in-law" type housing and multi-family housing. The R-1 zoning is large lot with a big yard and this is nothing but a spot zoning which only benefits the property owner and is a disadvantage to the nearby land owners. In looking at a two-family structure that has to be 4,000 square foot, does that mean each structure has to be 4,000 square foot or larger? With the rezoning there are large business that could go in and they do not belong in an R-1 neighborhood. This is not a place for an R-3. There is no benefit.

Kelly Passauer said no, the 4,000 square foot per dwelling unit is the lot area

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

and the lot is 20,000 square feet.

Lisa Richard asked why the rezoning is needed since a variance was just issued.

Kelly Passauer said that the variance was needed to allow the garage to be rented out to another family long-term since that is not allowed by City code. Rezoning to R-3 seemed the best way to allow more than one family to reside on one lot. The most this type of low density zoning would allow would be a duplex or triplex.

Kendall Neill closed the public hearing.

Motion:

On the motion of Lisa Richard, seconded by Tim Haynes the Commission approved rezoning a tract of land at 701 Taylor Road from R-1, large lot single-family dwelling district to R-3, low density multi-family district.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard

Nay: Anthony (Tony) Royse

- b. Public hearing to receive comments on a request for a conditional use permit for "Antiques - Retail" in a C-1 neighborhood business district at 504-506 South 10th Street.

Kendall Neill opened the public hearing.

Rachel Lyon told the applicants that they had cleaned up the area very well.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Rachel Lyon the Commission approved a conditional use permit for "Antiques-Retail" in a C-1 neighborhood business district at 504-506 South 10th Street with the following conditions:

1. The conditional use permit is not transferable to another property owner or to another location.
2. The applicant must be in compliance with all City codes and must continue to be in compliance with all City codes. This would include the requirement to acquire a City occupation license which must be renewed annually.
3. The exterior of the property must be cleaned up and kept clean to meet City code.

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

- c. Public hearing to receive comments to consider rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multifamily dwelling district to C-2, commercial services district.

Kendall Neill opened the public hearing.

Discussion was had about how many car washes there are in town and how this has been a topic of debate lately.

Kendall Neill closed the public hearing.

Lisa Richard does not think the intent of the Comprehensive Plan was to make the area between the downtown and the railroad tracks commercial. She stated that one of the goals is to phase out commercial businesses from residential areas and R-3 was to be used as a buffer. She recommended that the Board table the hearing until they could go over the Comprehensive Plan to make sure that it is being followed.

Kendall Neill reminded the Board that there are several C-2 businesses right there in the same area. Going back and using the 1982 Comprehensive Plan as the basis of our decisions is difficult to do because it is so outdated in terms of how the world operates today.

Kelly Passauer said that if the rezoning is approved the side and rear yard setbacks adjoining residential will be 25 feet.

Lisa Richard asked if the company would be doing a variance on that next.

Kelly Passauer said it depends how they develop it.

Rachel Lyon said that things have changed in forty years, it does not have the same residential appeal. She does not know of any problems with the other car washes.

Kelly Passauer said that you could include a privacy fence as a condition of rezoning.

Lisa Richard said housing was eliminated for the other businesses and now another home is being eliminated and we are caving in to every little step because we do not want to be considered anti-business.

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

Kendall Neill said that Independence is growing and the value of the downtown housing project is going to go up. Because of this carwash project, many businesses will benefit from building the carwash and the City will receive revenue. The spot we are talking about is a sore spot to people driving through the city. It will end up being a nice looking building that will be kept nice.

Tony Royse stated that this item is not about the car wash but about rezoning. If it is rezoned as a C-2 there are several businesses that could go in there that would not be appropriate to a residential neighborhood. There is no way to buffer noise and trash from a carwash and the residential neighborhood.

Andy McLenon said this board has been talking about the Comprehensive Plan for the last ten years. This location is going to become a C-2 whether we like it or not. No one is going to construct a brand new home right there on a major thoroughfare. If we do not pick up the bill to rezone this area, the City will pick up the bill for demolishing it.

Lisa Richard moved to table the public hearing until the next meeting to discuss when there is more information about what the intent is for that area. If the Comprehensive Plan is not going to be used then it should not be brought up. The vote died due to lack of a second.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Kendall Neill the Commission approved rezoning three tracts of land at 600, 606 and 610 West Main Street from R-3, low density multi-family dwelling district to C-2, commercial services district.

Aye: Michelle Anderson, Rachel Lyon, Andy McLenon, Kendall Neill, Anthony (Tony) Royse

Nay: Lisa Richard

Abstain: Tim Haynes because he could not decide

- d. Public hearing to consider a text amendment to the zoning code relating to temporary signs.

Kendall Neill opened the public hearing.

The City Commission initiated a public hearing before the Planning and Zoning Commission to consider a text amendment to the zoning code relating to political signs in order to comply with State statutes. The proposed text amendment to be in compliance with K.S.A. 25-2711. Placement of political signs during election period. No city or county shall regulate or prohibit the

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

placement of or the number of political signs on private property or the unpaved right-of-way for city streets or county roads on private property during the 45-day period prior to any election and the two-day period following any such election. Cities and counties may regulate the size and a set-back distance for the placement of signs so as not to impede sight lines or sight distance for safety reasons.

Kendall Neill closed the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Anthony (Tony) Royse the Commission approved a text amendment to Section 803.3 Temporary signs: all political signs, real estate signs, garage sale signs, or other signs of a temporary nature for a personal gain shall conform with the following requirements: a. No temporary signs of any nature shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street, provided however, this subsection shall not apply to the placement of political signs during the 45-day period prior to any election and the 2-day period following any such election. b. This ordinance shall take effect upon its publication in the official city newspaper. The nature and effect of this amendment is to be in compliance with State law.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

- e. Consider initiating the rezoning of a tract of land at 800 N. 21st Street to M-1, light industrial district.

On July 29, 2004 the City Commission adopted an ordinance annexing the former SMP property at 800 N 21st Street. Earthcare, who currently owns the property, approached City staff wanting to know how the property was zoned. City staff was unable to locate any documentation that initiated the rezoning of this property after it was annexed. In order to correct this issue, the Planning Commission is being asked to consider initiating rezoning of this parcel to M-1, light industrial district at the January 3, 2023 agenda.

Motion:

On the motion of Anthony (Tony) Royse, seconded by Rachel Lyon the Commission initiated a public hearing on January 3, 2022 to rezone 800 N 21st Street to M-1, light industrial district.

Aye: Michelle Anderson, Tim Haynes, Rachel Lyon, Andy McLenon, Kendall Neill, Lisa Richard, Anthony (Tony) Royse

Nay: None

**Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's December 6,
2022 Meeting**

V. Discussion

VI. Adjournment

UNAPPROVED



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Admin

Director Approval David Cowan

AGENDA ITEM Consider setting the date of February 23, 2023 at 5:30 PM for a Public Hearing to consider the condemnation of 1016 E. Edison as dangerous and unsafe.

SUMMARY RECOMMENDATION City staff recommends setting the hearing date.

BACKGROUND On December 14, 2022, the residence at 1016 E. Edison was involved in a fire that extensively damaged the second floor and attic space. The building department is requesting a Public Hearing to consider condemnation as dangerous and unsafe be set for February 23, 2023 at 5:30 p.m.

FINANCIAL INFORMATION Cost of removal if the owner fails to commence repair or removal.

SUGGESTED MOTION I move to adopt a resolution setting a Public Hearing to consider the condemnation of 1016 E. Edison as dangerous and unsafe on February 23, 2023 at 5:30 p.m.

SUPPORTING DOCUMENTS

1. RESOLUTION 2022-072 - CONDEMNATION - PH -1016 E Edison
2. Parcel 1016 E. Edison
3. 1016 E. Edison - Notice of Public Hearing - 12152022
4. 1000000511
5. 1000000514
6. 1000000512
7. 1000000510
8. 1000000519
9. 1000000508
10. 1000000517
11. 1000000509
12. 1000000518
13. 1000000515
14. Letter to Insurance 12152022

RESOLUTION NO. 2022-072

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF HEARING BEFORE THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS, OF WHICH OWNERS, OWNERS AGENTS, LIEN HOLDERS OF RECORD AND ANY OCCUPANTS, IF ANY, OF THE STRUCTURE OR STRUCTURES IDENTIFIED BELOW, IN SAID CITY MAY APPEAR AND SHOW CAUSE WHY SAID STRUCTURE OR STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED PURSUANT TO K.S.A. 12-1751 ET. SEQ.

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 22nd day of December 2022, file with the Governing body of said City, statements, and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

Legal: Lot 129 of the Aganippe Park Addition to the City of Independence, Montgomery County, Kansas

Common Address: 1016 E Edison Street

Mortgage:

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

That a public hearing will be held on Thursday, **February 23, 2023** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in the Civic Center, Memorial Hall, Penn Ave. and Locust Streets, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

Be it further resolved that the City Clerk shall cause this Resolution to be published one time each week for two consecutive weeks on the same day of each week, that at least thirty (30) days shall elapse between the last publication and the date set for hearing and the City Clerk shall give notice of the aforesaid hearing in the manner provided by Ordinance and by law.

Be it further resolved by the Governing Body of the City of Independence that its authority for the actions set forth herein is established pursuant to K.S.A. 12-1751 ET. SEQ.

Adopted this 22nd day of December 2022.

(SEAL)

Mayor

City Clerk

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The Parcel Number for this Property is 063-099-31-0-40-11-021.00-0
Quick Ref ID: 7671

Owner Information

Owner Name	LARIAT ENTERPRISES L.L.C.
Address	1701 SW HARP PL TOPEKA, KS 66611

Property Situs Address

Address	1016 E EDISON ST, Independence, KS 67301
----------------	--

Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.F
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Residential Street - 4
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3

Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2022 Appraised Value

Class	Land	Building	Total
Residential - R	4,080	6,830	10,910
Total	4,080	6,830	10,910

Tract Description

AGANIPPE PARK ADD, S31, T32, R16, Lot 129, LOT WIDTH: 050.0 LOT DEPTH: 126.2 Plat Book/Page 4 /80 Deed Book/Page 704 /1296 661 /78 629 /684 609 /1344 593 /346 555 /420 548 /524 543 /268 390 /048 271 /239

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
716	185	704	1296	661	78	629	700

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	6300										4,080

Dwelling Information

Dwelling Information						Comp Sales Information					
Res Type		Single-family Residence				Arch Style		Old Style			
Quality		FR+				Bsmt Type		Crawl - 2			
Year Built		1915				Total Rooms		6			
Eff Year						Bedrooms		4			
MS Style		Two Story				Family Rooms					
LBCSStruct		Detached SFR unit				Full Baths		2			
No. of Units						Half Baths					
Total Living Area						Garage Cap					

Calculated Area	1,429
Main Floor Living Area	752
Upper Floor Living Area Pct.	90
CDU	PR-
Phys/Func/Econ	PR- / /
Ovr Pct Gd/RCN	/125,120
Remodel	NEW INTERIOR, FREE STANDING GA
Percent Complete	
Assessment Class	
MU Cls/Pct	

Foundation	Block - 3
-------------------	-----------

Dwelling Components				
Code	Units	Pct	Quality	Year
Enclosed Wood Deck (SF), Solid Wall	80			
Enclosed Wood Deck (SF), Screened Walls	208			
Frame, Siding, Wood		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Plumbing Fixtures (#)	8			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				
Raised Slab Porch (SF)	20			

Building Improvements																					
ID	Occupancy	MSCls	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
75	Tool Shed	D	1.00	1	1950			468	88	8	26 X 18	1	2	1					4,650	4	190

Building Improvement Components							
Id	Code	Units	Pct	Size	Other	Rank	Year
75	Single -Wall-Boards on Wood		100				

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TECHNOLOGIES



December 15, 2022

Lariat Enterprises LLC
1701 SW Harp Pl
Topeka, Ks. 66611

Dear Owner of Property.

I am writing to inform you that the City of Independence will be asking the Commission on December 22, 2022, to set a Public Hearing on February 23, 2023, at 5:30 p.m. The Public Hearing will consider condemning 1016 E. Edison related to a structure fire that extensively damaged the building.

The City Commission meetings are held at 410 N. Penn Ave, Memorial Hall Civic Center.

Please contact me at davidc@independenceks.gov or 620.332.2528 regarding your intentions with this property before the meeting.

Thank You,

David Cowan

David Cowan, Building Inspector
City of Independence Kansas























December 15, 2022

TO: Kansas Mutual Insurance – Cole Thornton
FROM: City of Independence Kansas
RE: Insurance Proceeds – Fire Damage Structure

Dear Sir

The structure located at **1016 E. Edison** was involved in a fire on December 14, 2022 that did extensive damage. The property owner has informed the City that they have insurance with Kansas Mutual Insurance through the Cole Thornton Agency at 112 W. Myrtle. The owner is Lariat Enterprises LLC with Anthony Vaughn listed as the property manager.

The City of Independence is requesting **15%** of the covered claim payment be sent to the City of Independence for a demolition deposit.

Please send the check to: City of Independence – 811 West Laurel – Independence, Kansas 67301 Ref: 813 So. 17th Fire Damage Structure

The Ordinance can be reviewed at the below link or I've pasted below.

https://library.municode.com/ks/independence/codes/code_of_ordinances?nodeId=PTIICO_CH46FIPRPR_ARTVIIINPRFU_S46-171SCAP

If you have any questions or concerns, please get in touch with the City Clerk, David Schwenker or David Cowan, Building Inspector.

David Schwenker: 620.332.2500 ext 702 or davids@independenceks.gov
David Cowan 620.330.0056 or davidc@independenceks.gov

Sincerely,

David Cowan

Sec. 46-171. - Scope and application.

The City is hereby authorized to utilize the procedures established by K.S.A. Ch. 40, art. 39 (K.S.A. 40-3901 et seq.), whereby no insurance company shall pay a claim of a named insured for loss or damage to a building or other structure located within the City, arising out of any fire, explosion or windstorm, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policies covering such building or other insured structure unless there is compliance with the following procedures:

- 1. When final settlement on a covered claim has been agreed to or arrived at between the named insured and the company such final settlement exceeds 75 percent of the face value of the policies covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other insured structure, pursuant to the terms of the policies and endorsement thereto, shall have been paid, the insurance company shall execute a draft payable to the director of finance, in an amount equal to the sum of 15 percent of the covered claim payment, unless the building official of the City has issued a certificate to the insurance company that the insured has removed the damaged building or other structures, as well as associated debris, or repaired rebuilt or otherwise made the premises safe and secure.*
- 2. Such payment of insurance proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.*
- 3. Upon payment of the funds to the City as required in subsection (1), each insurance company shall provide the City with the name and address of the named insured, the total insurance coverage applicable to such building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company and the insured, whereupon the building official shall contact the named insured by restricted mail to notify them that such insurance proceeds have been received by the City, and apprise them of the procedures to be followed under this section.*

Please go to the code to read the complete ordinance as to the process the City uses to hold the funds and expend them.



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Park, Zoo & Cemetery

Director Approval Scott Patton

AGENDA ITEM Consider adopting an ordinance amending Appendix D concerning Cemetery Fees.

SUMMARY RECOMMENDATION Approve amendment to Appendix D concerning increase of cemetery fees

BACKGROUND The most recent adjustment to the fee schedule for Mount Hope Cemetery occurred in 2014. Due to the increased cost of maintaining the cemetery since that time, it is recommended that the city implement an increase in the price of burial spaces and services. The Cemetery Director and Cemetery Sexton have compiled a list of suggested prices, based on current pricing at other cemeteries in the area.

FINANCIAL INFORMATION The increase will result in additional revenue that will be available for cemetery operations.

SUGGESTED MOTION I move to adopt an ordinance amending Appendix D concerning cemetery fees.

SUPPORTING DOCUMENTS

1. Ordinance 4424 - Cemetery Rates
2. Cemetery Rates 2022 (1)

ORDINANCE NO. 4424

**AN ORDINANCE AMENDING CERTAIN ORDINANCES
DEALING WITH CEMETERY FEES**

Be it ordained by the governing body of the City of Independence:

Section 1: City Code Section 22-72 shall be amended to read as follows in its entirety:

Sec. 22-72. – Charges for grave spaces.

Grave spaces in Mount Hope Cemetery shall be sold in accordance with the fees set forth in Appendix D of this Code.

Section 2: City Code Section 22-73 is amended to read as follows in its entirety:

Sec. 22-73. – Opening, closing graves.

The fees and charges for opening and closing graves in Mount Hope Cemetery shall be as set forth in Appendix D of this Code.

Section 3: Appendix D, Chapter 22, Cemeteries to the City Code is amended to read as follows in its entirety:

[Chapter 22.](#) Cemeteries

(1) Opening and closing graves, including pre-needs.

a. Opening and closing, adult, weekdays. \$350.00

Additional charge, per hour, or fraction thereof, for any opening and closing work done after 4:00 p.m. \$100.00

b. Opening and closing, adult, Saturdays. \$600.00

c. Opening and closing, adult, Sundays and Holidays \$1,500.00

Additional charge, per hour, or fraction thereof, for any opening and closing after 12:00 p.m. This charge will be in effect from 12:00 p.m. until the closing is complete, regardless of the starting time of the funeral. \$100.00

d. Opening and closing, infant, weekdays includes grave space. \$250.00

Additional charge, per hour, or fraction thereof, for any opening and closing work done after 4:00 p.m. \$100.00

e. Opening and closing, infant, Saturdays, includes grave space \$350.00

f. Opening and closing, infant, Sundays and Holidays includes grave space \$400.00

Additional charge, per hour, or fraction thereof, for any opening and closing after 12:00 p.m. This charge will be in effect from 12:00 p.m. until the closing is complete, regardless of the starting time of the funeral. \$100.00

g. Crypt opening and closing, adult or infant, weekdays. \$350.00

Additional charge, per hour, or fraction thereof, for any opening and closing work done after 4:00 p.m. \$100.00

h. Crypt opening and closing, adult or infant, Saturdays \$600.00

i. Crypt opening and closing, adult or infant, Sunday and Holidays \$1,000.00

Additional charge, per hour, or fraction thereof, for any opening and closing after 12:00 p.m. This charge will be in effect from 12:00 p.m. until the closing is complete, regardless of the starting time of the funeral. \$100.00

j. Cremation, adult or infant, weekdays. \$250.00

Additional charge, per hour, or fraction thereof, for any opening and closing work done after 4:00 p.m. \$100.00

k. Cremation, adult or infant, Saturdays. \$350.00

l. Cremation, adult and infant, Sundays and Holidays \$400.00

Additional charge, per hour, or fraction thereof, for any opening and closing after 12:00 p.m. This charge will be in effect from 12:00 p.m. until the closing is complete, regardless of the starting time of the funeral. \$100.00

i. Disinterment. \$1,250.00

j. Pre-needs, Saturdays and holiday services ONLY. \$350.00

Additional charge, per hour, or fraction thereof, for any opening and closing after 12:00 p.m. This charge will be in effect from 12:00 p.m. until the closing is complete, regardless of the starting time of the funeral. \$100.00

(2) Indigents. \$300.00

(3) Staking fee for installing monument, per installation. \$35.00

(4) Mausoleum niche, each. \$300.00

(5) Setting of VA stone. \$150.00

(6) Mowing

a. Catholic Cemetery \$350.00

b. Lutheran Cemetery \$350.00

(8) Spaces

a. Regular Grave Space \$350.00

b. Cost of baby mound space depends on day of service

Section 4. This ordinance will take effect upon its publication in the official city newspaper.

Adopted by the governing body of the City of Independence on the 22nd day of December 2022.

Dean A. Hayse, Mayor

ATTEST:

David Schwenker, City Clerk

2023 Price Changes	Indep.	Indep.	Coffeyville	Cherryvale
	Now	Proposed		
Opening and closing, adult, weekdays	\$ 300.00	\$ 350.00	\$ 425.00	\$ 350.00
Additional charge, per hour, or fraction thereof for any opening and closing work done after 4:00 p.m.	\$ 100.00	\$ 100.00	\$ 125.00	
Opening and closing, adult, Saturday	\$ 500.00	\$ 600.00	\$ 550.00	\$ 500.00
Opening and closing, adult, Sunday and Holidays		\$ 1,500.00		
Additional charge, per hour or fraction thereof for any opening and closing after 12:00 p.m.	\$ 100.00	\$ 100.00	\$ 125.00	
Space, opening and closing, infant, weekdays	\$ 200.00	\$ 250.00	\$ -	\$ 150.00
Additional charge, per hour, or fraction thereof for any opening and closing work done after 4:00 p.m.	\$ 100.00	\$ 100.00	\$ 125.00	
Space, opening and closing infant, Saturdays	\$ 300.00	\$ 350.00	\$ -	\$400.00
Space, opening and closing, infant, Sunday and Holidays		\$ 400.00		
Additional charge, per hour or fraction thereof for any opening and closing after 12:00 p.m.	\$ 100.00	\$ 100.00	\$ 125.00	
Crypt opening and closing, adult or infant, weekdays	\$ 300.00	\$ 350.00	\$ 425.00	N/A
Additional charge, per hour, or fraction thereof for any opening and closing work done after 4:00 p.m.	\$ 100.00	\$ 100.00	\$ 125.00	N/A
Crypt opening and closing, adult or infant, Saturdays	\$ 500.00	\$ 600.00	\$ 550.00	N/A
Crypt opening and closing, adult or infant, Sunday and Holidays		\$ 1,000.00		
Additional charge, per hour or fraction thereof for any opening and closing after 12:00 p.m.	\$ 100.00	\$ 100.00	\$ 125.00	N/A
Cremation, adult or infant, weekdays	\$ 200.00	\$ 250.00	\$ 150.00	\$175.00
Additional charge, per hour, or fraction thereof for any opening and closing work done after 4:00 p.m.	\$ 100.00	\$ 100.00	\$ 125.00	
	Indep.	Indep.	Coffeyville	Cherryvale
	Now	Proposed		

Cremation, adult or infant, Saturdays	\$ 300.00	\$ 350.00	\$ 250.00	\$ 250.00
Cremation, adult or infant, Sunday and Holidays	\$ 300.00	\$ 400.00		
Additional charge, per hour or fraction thereof for any opening and closing after 12:00 p.m.	\$ 100.00	\$ 100.00	\$ 125.00	
Disinterment	\$ 1,000.00	\$ 1,250.00		
Pre-Needs, Saturday and holiday services ONLY	\$ 300.00	\$ 350.00		\$ 400.00
Indigents	\$ 300.00	\$ 300.00		
Staking fee for installing monument, per installation	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00
Mausoleum niche, each	\$ 300.00	\$ 300.00		
Setting of VA stone	\$ 150.00	\$ 150.00	No	
Mowing				
Catholic	\$ 300.00	\$ 350.00		
Lutheran	\$ 300.00	\$ 350.00		
Approximate cost for the City to mow each cemetery is \$290.00. We have been charging \$275.00 for 3 years.				
Spaces				
Reg Grave Space	\$ 300.00	\$ 350.00	\$ 300.00	\$ 300.00
Cost of baby mound space depends on day of service	\$ 200.00		No Charge	



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Airport

Director Approval John Garris

AGENDA ITEM Consider authorizing the bidding of two new fuel bowzers for the Independence Municipal Airport.

SUMMARY RECOMMENDATION Authorize bidding.

BACKGROUND Historically, the City has purchased integrated mobile fueling trucks as a means to sell and dispense fuel to aircraft. The new Airport Manager, Aaron Shrader, has significant experience in aviation and suggested the use of fueling bowzers, or trailers that are capable of being affixed to the back of a pickup truck. These bowzers have self-contained engines for pumping, and are in used in many locations.

Individual trucks are convenient, but have the drawback of being three to four times the cost of a fuel bowser. The Airport has had a capital schedule for a new fueling vehicle for over a year, which would only replace one vehicle, and that likely with funding only sufficient to purchase a used vehicle. With the same amount of funding, it is likely that two new fuel bowzers can be built, replacing trucks that date back to the late 1970s and mid 1980s that are currently nearing the end of life and use the existing pickup trucks at the airport to move the fuel bowzers.

The primary reason for using a truck would be for large, bulk deliveries. With our current airport size and clientele, it is felt that these bowzers will provide a very safe method to conveniently deliver fuel at a lower cost, potentially saving nearly \$200,000 versus the cost of purchasing new trucks, and lowering overall maintenance costs due to the lowered complexity.

FINANCIAL INFORMATION If purchased, funds would be from the Airport budget.

SUGGESTED MOTION I move to authorize bidding for the 100LL fuel bowser and jet A bowser as described in the attached bid documents.

SUPPORTING DOCUMENTS

1. Sample Fuel Bowser Photo
2. Advertisement for Bid - JET A BOWSER - 2022
3. Advertisement for Bid - 100LL BOWSER - 2022 (002)





Advertisement for Bid

The City of Independence, Kansas, is accepting bids for one new JET A 1000 Gallon Aircraft Bowser meeting or exceeding the attached specifications.

Bids must be sent to the office of the City Clerk, 811 W. Laurel Street, Independence, Ks. 67301, on or before 2:00 p.m. Thursday, January 12th, 2023. Bids shall be enclosed in a sealed envelope plainly marked on the outside "JET A BOWSER TRAILER". If bid is mailed, original envelope shall be enclosed in a separate envelope addressed to the City Clerk, also plainly marked on the outside as stated above. E-mail or fax bids will not be accepted. The apparent low bid will then be presented to the Independence City Commission at a 2023 regular meeting for their formal action.

The city reserves the right to accept or reject any or all bids or to waive any irregularities should any occur as may best benefit the City. The City Manager may require that no bidder may withdraw a bid for a period of up to forty-five (45) days after the date and hour set for opening bids, but that a bid may be withdrawn up to twenty-four (24) hours prior to expiration of the deadline for submitted bids.

Lacey Lies, Finance Director

12/23/2022

Date



SPECIFICATIONS

ONE NEW JET A 1000 GALLON AIRCRAFT BOWSER

DESIGN INFORMATION

REFUEL BOTH FIXED WING AND ROTARY WING AIRCRAFT
CAPABLE OF UNDERWING AND OVERWING REFUELING at 75-100 GPM

TANK INFORMATION

ELLIPTICAL SHAPE CONSTRUCTED OF STAINLESS STEEL. TANK EQUIPPED WITH 16" MANWAY, 10" FILL, AND 2 " GRAVITY TANK DRAIN. VENT AND MECHANICAL TANK GAUGE. BOTTOM LOADING CAPABLE.

TRAILER INFORMATION

UNIT IS FRONT STEER, TOWABLE BOWSER EQUIPPED WITH TOW BAR WITH PINTLE HITCH CONNECTION AND BRAKE. CAPABLE OF NO MORE THAN 15 MPH.

SAFETY EQUIPMENT

ONE STATIC GROUND REEL WITH 50' OF CABLE AND CLAMP, GROUNDING LUG AND 20 LB. FIRE EXTINGUISHER AND MOUNTING BRACKET.

FINISH

PAINTED WHITE WITH PLACARDS, WARNING DECALS, AND PRODUCT IDENTIFICATION MARKINGS.

SPECIFIC EQUIPMENT REQUIREMENTS

1000 GALLON JET A TANK
FUELING ONLY PIPING PACKAGE
DIESEL DRIVEN ENGINE AND PUMP PACKAGE
VF-22SB-PG2-WP FILTER PACKAGE INCLUDING DP GAUGE
SPRING REWIND HOSEREEL
1-1/2" X 50' REFINED FUEL HOSE
OVERWING NOZZLE
SINGLE POINT NOZZLE WITH HECV
METER WITH MECHANICAL REGISTER
2" SPRING RETURN BALL VALVE WITH LANYARD
GAMMON 1-1/2" DRY BREAK DISCONNECT
2 MILLIPORE SAMPLE COLLECTION – INLET AND OUTLET
SCULLY TANK OVERFILL PROTECTION SYSTEM – 2 WIRE OPTIC PROBE WITH THERMISTOR SOCKET

DELIVERY INCLUDED TO

INDEPENDENCE MUNICIPAL AIRPORT
498 FREEDOM DRIVE
INDEPENDENCE, KS 67301

PLEASE PROVIDE WARRANTY INFORMATION.

FOR ANY QUESTIONS OR FURTHER INFORMATION, PLEASE CONTACT:

AARON SHRADER
AIRPORT SUPERVISOR
AIRPORT@INDEPENDENCEKS.GOV

THE CITY OF INDEPENDENCE IS A TAX-EXEMPT MUNICIPALITY.

CITY OF INDEPENDENCE, KANSAS

BOWSER TRAILER BID FORM

1. NEW JET A 1000 GALLON BOWSER TRAILER \$_____

2. ESTIMATED DELIVERY DATE _____

Bidder Information:

Name _____

Address _____

City _____ St. _____ Zip _____

Phone _____

E- Mail Address _____

Authorized Officer _____

Title _____

Date _____



Advertisement for Bid

The City of Independence, Kansas, is accepting bids for one new 100LL AVGAS 1000 Gallon Aircraft Bowser meeting or exceeding the attached specifications.

Bids must be sent to the office of the City Clerk, 811 W. Laurel Street, Independence, Ks. 67301, on or before 2:00 p.m. Thursday, January 12th, 2023. Bids shall be enclosed in a sealed envelope plainly marked on the outside "100LL Bowser Trailer". If bid is mailed, the original envelope shall be enclosed in a separate envelope addressed to the City Clerk, also plainly marked on the outside as stated above. E-mail or fax bids will not be accepted. The apparent low bid will then be presented to the Independence City Commission at a 2023 regular meeting for their formal action.

The city reserves the right to accept or reject any or all bids or to waive any irregularities should any occur as may best benefit the City. The City Manager may require that no bidder may withdraw a bid for a period of up to forty-five (45) days after the date and hour set for opening bids, but that a bid may be withdrawn up to twenty-four (24) hours prior to expiration of the deadline for submitted bids.

Lacey Lies, Finance Director

12/23/2022

Date



SPECIFICATIONS

ONE NEW 100LL AVGAS 1000 GALLON AIRCRAFT BOWSER

DESIGN INFORMATION

REFUEL BOTH FIXED WING AND ROTARY WING AIRCRAFT AT 75 GPM

TANK INFORMATION

ELLIPTICAL SHAPE CONSTRUCTED OF STAINLESS STEEL. TANK EQUIPPED WITH 16" MANWAY, 10" FILL, AND 2" GRAVITY TANK DRAIN. VENT AND MECHANICAL TANK GAUGE. BOTTOM LOADING CAPABLE.

TRAILER INFORMATION

UNIT IS FRONT STEER, TOWABLE BOWSER EQUIPPED WITH TOW BAR WITH PINTLE HITCH CONNECTION AND BRAKE. CAPABLE OF NO MORE THAN 15 MPH.

SAFETY EQUIPMENT

ONE STATIC GROUND REEL WITH 50' OF CABLE AND CLAMP, GROUNDING LUG AND 20 LB. FIRE EXTINGUISHER AND MOUNTING BRACKET.

FINISH

PAINTED WHITE WITH PLACARDS, WARNING DECALS, AND PRODUCT IDENTIFICATION MARKINGS.

SPECIFIC EQUIPMENT REQUIREMENTS

1000 GALLON JET A TANK

FUELING ONLY PIPING PACKAGE

DIESEL DRIVEN ENGINE AND PUMP PACKAGE

VF-22SB-PG2-WP FILTER PACKAGE INCLUDING DP GAUGE

SPRING REWIND HOSEREEL

METER WITH MECHANICAL REGISTER

1-1/2" X 50' REFINED FUEL HOSE

OVERWING NOZZLE

SCULLY TANK OVERFILL PROTECTION SYSTEM – 2 WIRE OPTIC PROBE WITH THERMISTOR SOCKET

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PLEASE PROVIDE WARRANTY INFORMATION.

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AARON SHRADER
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AIRPORT@INDEPENDENCEKS.GOV

THE CITY OF INDEPENDENCE IS A TAX-EXEMPT MUNICIPALITY.

CITY OF INDEPENDENCE, KANSAS

BOWSER TRAILER BID FORM

1. NEW 100LL 1000 GALLON BOWSER TRAILER \$ _____

2. ESTIMATED DELIVERY DATE _____

Bidder Information:

Name _____

Address _____

City _____ St. _____ Zip _____

Phone _____

E- Mail Address _____

Authorized Officer _____

Title _____

Date _____



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 22, 2022**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider the 2023 City Commission and City holiday schedule.

SUMMARY RECOMMENDATION Approve the schedule.

BACKGROUND This item was tabled from the last Commission meeting as the Commission requested to know the dates other area local governments observed as holidays. The Request for Commission Action (RCA) from the last meeting is attached, in addition to a survey that includes other area cities, the County, and the State. The only proposed holiday that is unique to Independence is the Administrative Holiday on July 3rd to provide a four-day weekend and would only be for 2023. You may wish to delete that one or trade it with Juneteenth (June 19th), which is consistent with Cherryvale and the County.

Another item brought up at the last meeting is that the June 21, 2023 Special Meeting (third Wednesday) may be needed as a budget work session.

FINANCIAL INFORMATION The estimated costs associated with one holiday is \$12,100 - \$14,400, as follows:

- General Fund -- \$9,500-\$11,000
- Airport Fund -- \$200-\$300
- Water/Sewer Fund -- \$2,000-\$2,500
- Sanitation Fund -- \$400-\$600

SUGGESTED MOTION Possible Motions:

1. I move to approve the 2023 City Commission Meeting and City Holiday schedule as presented.
2. I move to approve the 2023 City Commission Meeting and City Holiday schedule with the following amendments _____.

SUPPORTING DOCUMENTS

1. 12/08/2022 RCA
2. Revised2023ProposedCommissionMeetingandCityHolidaySchedule
3. 2022ApprovedCommissionMeetingandCityHolidaySchedule
4. Proposed Holidays Comparison



**REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 8, 2022**

Department Admin

Director Approval Kelly Passauer

AGENDA ITEM Consider the 2023 City Commission and City holiday schedule.

SUMMARY RECOMMENDATION Approve the schedule.

BACKGROUND Each year during reorganization, which is scheduled for January 12, 2023, the City Commission considers modifying the date and times of meetings. However, since reorganization starts after the year begins, it is recommended to move forward with the approval of the 2023 City Commission Meeting and City Holiday Schedule for planning purposes. The Commission meeting schedule generally consists of the 2nd and 4th Thursdays at 5:30 PM and the 3rd Wednesday at 9 AM for work sessions. The Commission may wish to consider deleting the 3rd Wednesday meeting on June 21, 2023 to avoid back-to-back meetings. This meeting date is highlighted on the Draft Schedule.

The Commission is aware of the current retention and recruiting challenges that many employers, including the City, are currently struggling with. In order to meet our goal of becoming an employer of choice, we have reviewed other governmental entity holidays, including other cities. Based on our review, it is recommended to add the following City holidays:

- Monday, February 20, 2023 -- President's Day - Federal Holiday
- Friday, April 7, 2023 -- Good Friday
- Monday, October 9, 2023 -- Indigenous Peoples Day (Formerly Columbus Day - Federal Holiday)

In addition to the above, it is recommended to add the following administrative holidays for 2023:

- Monday, July 3, 2023
- Tuesday, December 26, 2023

The additional holidays for 2023 are highlighted on the attached schedule.

We make this recommendation as part of our recruitment and retention efforts and to stay competitive with other employers.

FINANCIAL INFORMATION The estimated costs associated with one holiday is \$12,100 - \$14,400, as follows:

- General Fund -- \$9,500-\$11,000
- Airport Fund -- \$200-\$300

- Water/Sewer Fund -- \$2,000-\$2,500
- Sanitation Fund -- \$400-\$600

SUGGESTED MOTION I move to approve the 2023 City Commission Meeting and City Holiday schedule as presented with the deletion of the work session on June 21, 2023.

SUPPORTING DOCUMENTS

1. 2023CommissionMeetingandCityHolidaySchedule

TABLED

2023 City Commission Meeting Schedule	
Thursday, January 12, 2023	2nd Thursday (Oath of Office/Reorganization)
Wednesday, January 18, 2023	3rd Wednesday (Planning Retreat)
Thursday, January 26, 2023	4th Thursday
Thursday, February 09, 2023	2nd Thursday
Wednesday, February 15, 2023	3rd Wednesday
Thursday, February 23, 2023	4th Thursday
Thursday, March 09, 2023	2nd Thursday
Wednesday, March 15, 2023	3rd Wednesday
Thursday, March 23, 2023	4th Thursday
Thursday, April 13, 2023	2nd Thursday
Wednesday, April 19, 2023	3rd Wednesday
Thursday, April 27, 2023	4th Thursday
Thursday, May 11, 2023	2nd Thursday
Wednesday, May 17, 2023	3rd Wednesday
Thursday, May 25, 2023	4th Thursday
Thursday, June 08, 2023	2nd Thursday
Wednesday, June 21, 2023	3rd Wednesday
Thursday, June 22, 2023	4th Thursday
Thursday, July 13, 2023	2nd Thursday
Wednesday, July 19, 2023	3rd Wednesday
Thursday, July 27, 2023	4th Thursday
Thursday, August 10, 2023	2nd Thursday
Wednesday, August 16, 2023	3rd Wednesday
Thursday, August 24, 2023	4th Thursday
Thursday, September 14, 2023	2nd Thursday
Wednesday, September 20, 2023	3rd Wednesday
Thursday, September 28, 2023	4th Thursday
Thursday, October 12, 2023	2nd Thursday
Wednesday, October 18, 2023	3rd Wednesday
Wednesday, October 25, 2023	Doo Dah Parade (10/26/2023)
Thursday, November 09, 2023	2nd Thursday
Wednesday, November 15, 2023	3rd Wednesday
Thursday, November 30, 2023	Thanksgiving (11/23/2023)
Thursday, December 14, 2023	2nd Thursday
Wednesday, December 20, 2023	3rd Wednesday
Thursday, December 28, 2023	4th Thursday
Meeting dates highlighted in green are regular meetings rescheduled due to conflicts with other events or holidays.	

2023 City Holiday Schedule	
Monday, January 2, 2023	New Year's Day (24/7 departments will observe January 1, 2023 as holiday)
Monday, January 16, 2023	Martin Luther King, Jr. Day
Monday, February 20, 2023	President's Day
Friday, April 7, 2023	Good Friday
Monday, May 29, 2023	Memorial Day
Monday, July 3, 2023	Administrative Holiday (Monday's sanitation route will be picked up on Tuesday)
Tuesday, July 4, 2023	4th of July (Tuesday's sanitation route will be picked up on Wednesday)
Monday, September 4, 2023	Labor Day
Monday, October 9, 2023	Indigenous Peoples Day
Friday, November 10, 2023	Veteran's Day (24/7 departments will observe November 11, 2023 as holiday)
Thursday, November 23, 2023	Thanksgiving (Thursday's sanitation route will be picked up on Friday)
Friday, November 24, 2023	Day After Thanksgiving (Friday's sanitation route will be picked up on Saturday)
Monday, December 25, 2023	Christmas
Tuesday, December 26, 2023	Administrative Holiday
City Offices will be closed on the above dates. There will be no sanitation services on the above dates unless otherwise noted. Sanitation services will shift to the next day when observing a holiday. Highlighted dates are new holidays for 2023.	



2023 City Commission Meeting Schedule	
Thursday, January 12, 2023	2nd Thursday (Oath of Office/Reorganization)
Wednesday, January 18, 2023	3rd Wednesday (Planning Retreat)
Thursday, January 26, 2023	4th Thursday
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Wednesday, March 15, 2023	3rd Wednesday
Thursday, March 23, 2023	4th Thursday
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Wednesday, April 19, 2023	3rd Wednesday
Thursday, April 27, 2023	4th Thursday
Thursday, May 11, 2023	2nd Thursday
Wednesday, May 17, 2023	3rd Wednesday
Thursday, May 25, 2023	4th Thursday
Thursday, June 08, 2023	2nd Thursday
Wednesday, June 21, 2023	3rd Wednesday
Thursday, June 22, 2023	4th Thursday
Thursday, July 13, 2023	2nd Thursday
Wednesday, July 19, 2023	3rd Wednesday
Thursday, July 27, 2023	4th Thursday
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Thursday, August 24, 2023	4th Thursday
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Wednesday, September 20, 2023	3rd Wednesday
Thursday, September 28, 2023	4th Thursday
Thursday, October 12, 2023	2nd Thursday
Wednesday, October 18, 2023	3rd Wednesday
Wednesday, October 25, 2023	Doo Dah Parade (10/26/2023)
Thursday, November 09, 2023	2nd Thursday
Wednesday, November 15, 2023	3rd Wednesday
Thursday, November 30, 2023	Thanksgiving (11/23/2023)
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Monday, January 2, 2023	New Year's Day (24/7 departments will observe January 1, 2023 as holiday)
Monday, January 16, 2023	Martin Luther King, Jr. Day
Monday, February 20, 2023	President's Day
Friday, April 7, 2023	Good Friday
Monday, May 29, 2023	Memorial Day
Monday, July 3, 2023	Administrative Holiday (Monday's sanitation route will be picked up on Tuesday)
Tuesday, July 4, 2023	4th of July (Tuesday's sanitation route will be picked up on Wednesday)
Monday, September 4, 2023	Labor Day
Monday, October 9, 2023	Indigineous Peoples Day
Friday, November 10, 2023	Veteran's Day (24/7 departments will observe November 11, 2023 as holiday)
Thursday, November 23, 2023	Thanksgiving (Thursday's sanitation route will be picked up on Friday)
Friday, November 24, 2023	Day After Thanksgiving (Friday's sanitation route will be picked up on Saturday)
Monday, December 25, 2023	Christmas
Tuesday, December 26, 2023	Administrative Holiday
City Offices will be closed on the above dates. There will be no sanitation services on the above dates unless otherwise noted. Sanitation services will shift to the next day when observing a holiday. Highlighted dates are new holidays for 2023.	



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Thursday, February 10, 2022	2nd Thursday
Wednesday, February 16, 2022	3rd Wednesday
Thursday, February 24, 2022	4th Thursday
Thursday, March 10, 2022	2nd Thursday
Wednesday, March 16, 2022	3rd Wednesday
Thursday, March 24, 2022	4th Thursday
Thursday, April 14, 2022	2nd Thursday
Wednesday, April 20, 2022	3rd Wednesday
Thursday, April 28, 2022	4th Thursday
Thursday, May 12, 2022	2nd Thursday
Wednesday, May 18, 2022	3rd Wednesday
Thursday, May 26, 2022	4th Thursday
Thursday, June 09, 2022	2nd Thursday
Wednesday, June 15, 2022	3rd Wednesday
Thursday, June 23, 2022	4th Thursday
Thursday, July 14, 2022	2nd Thursday
Wednesday, July 20, 2022	3rd Wednesday
Thursday, July 28, 2022	4th Thursday
Thursday, August 11, 2022	2nd Thursday
Wednesday, August 17, 2022	3rd Wednesday
Thursday, August 25, 2022	4th Thursday
Thursday, September 08, 2022	2nd Thursday
Thursday, September 22, 2022	4th Thursday
Thursday, October 13, 2022	2nd Thursday
Wednesday, October 19, 2022	3rd Wednesday
Wednesday, October 26, 2022	Doo Dah Parade (10/27/2022)
Thursday, November 10, 2022	2nd Thursday
Thursday, November 17, 2022	Thanksgiving (11/24/2022)
Thursday, December 08, 2022	2nd Thursday
Thursday, December 22, 2022	4th Thursday
Meeting dates highlighted in green are regular meetings rescheduled due to conflicts with other events or holidays.	

2022 City Holiday Schedule	
Friday, December 31, 2021	New Year's Day (24/7 departments and sanitation will observe January 1, 2022 as holiday)
Monday, January 17, 2022	Martin Luther King, Jr. Day
Monday, May 30, 2022	Memorial Day
Monday, July 04, 2022	4th of July
Monday, September 05, 2022	Labor Day
Friday, November 11, 2022	Veteran's Day
Thursday, November 24, 2022	Thanksgiving (Thursday's sanitation route will be picked up on Friday)
Friday, November 25, 2022	Day After Thanksgiving (Friday's sanitation route will be picked up on Saturday)
Monday, December 26, 2022	Christmas (24/7 departments will observe December 25, 2022 as holiday)
Monday, January 2, 2023	New Year's Day (24/7 departments will observe January 1, 2023 as holiday)
City Offices will be closed on the above dates. There will be no sanitation services on the above dates unless otherwise noted. Sanitation services will shift to the next day when observing a holiday.	



	COFFEYVILLE	CHERRYVALE	STATE	MONTGOMERY CO.	CITY OF INDY (2022)	PROPOSED NEW
NEW YEARS DAY Monday Jan. 2	X	X	X	X	X	
MLK JR DAY Monday, Jan. 16	X	X	X	X	X	
PRESIDENT'S DAY Monday, Feb. 20		X		X		X
GOOD FRIDAY Friday, April 7	X	X		X		X
MEMORIAL DAY Monday, May 29	x	X	X	X	X	
Juneteenth Day June 19th		X		X		
ADMINISTRATIVE HOLIDAY Monday, July 3						X
INDEPENDENCE DAY Tuesday, July 4	x	X	X	X	X	
LABOR DAY Monday, Sept. 4	x	X	X	X	X	
INDIGINEOUS PEOPLES DAY Monday, Oct. 9		X		X		X
VETERAN'S DAY Friday, Nov. 10	x	X	X	X	X	
THANKSGIVING DAY Thursday, Nov. 23	x	X	X	X	X	
ADMINISTRATIVE HOLIDAY Friday, Nov 24	x	X	X	X	X	
CHRISTMAS DAY Monday, Dec. 25	x	X	X	X	X	
ADMINISTRATIVE HOLIDAY Tuesday, Dec. 26		X				X
Holidays	10	14	9	13	9	5
Discretionary Day			1			
Total	10	14	10	13	9	5



Report
CITY OF INDEPENDENCE
December 22, 2022

Department Public Works & Utilities

Director Approval

AGENDA ITEM Monthly Projects and Public Works Report

BACKGROUND

SUPPORTING DOCUMENTS

1. Project Status 12-2022CC

	Project Title	Project Description/Scope	Approx. Cost (000's)	Grant Portion	Arch. or Eng. Partner	Status	Last Month Progress	Next Month Plan/Issues	Projected Const Start	Projected Compl.
1	KDOT CCLIP	Main Street - 8th to 2nd, two projects	\$1,000	\$800	TranSystems	Pre-design.	KDOT forms sent in.	Prepare contracts with TranSystems.	4Q23	3Q24
2	Transp. Alt. Grant	8' sidewalk to Wal-Mart	\$1,350	\$980	TranSystems	Pre-design.	KDOT forms sent in.	Prepare contracts with TranSystems.	1Q24	2Q24
3	Zoo and Park Power	Move power feed for Zoo and Park underground	\$300		PEC	Alternative review.	Scope revised with Evergy.	Waiting for final data from Evergy.	1Q22	4Q22
4	Parking Lot N. of City Hall	Design and construct new parking lot north of historic City Hall.	\$600	TBD	Treanor	Alternative review.	Prepare alternatives table.	On hold pending decision on alternative selection.	1Q23	2Q23
5	Central Park	New soccer fields, revamp existing ball fields.	\$7,500	\$2,055	Indigo	Pre-bid.	RCA for grant acceptance, bid in December.	Receive bids.	1Q23	4Q23
6	CCLIP Grant	Reconstruct Penn from Morningside to City Limits	\$500	\$370	TranSystems	Pre-bid.	Final comments from KDOT received.	Prepare bid documents, RCA for bid. May bid.	2Q23	4Q23
7	CCLIP Grant	Mill and overlay Chestnut from 9th to Penn	\$220	\$150	TranSystems	Pre-bid.	Final comments from KDOT received.	Prepare bid documents, RCA for bid. May bid.	2Q23	4Q23
8	Waterline/Meter Project	New Water Meters, Replace Some Water Main	\$3,400		PEC	Design complete.	100% plan review, in to KDHE.	Awaiting KDHE approval. RFP prepared for inspection.	1Q23	3Q23
9	Water Plant Next Phase	Water Plant Capital Work Per Master Plan	\$6,000		PEC	Design complete.	Reviewing/incorporating scope additions per KDHE.	Responding to additional KDHE requests. KDHE added scope, incorporate by change order.	1Q23	4Q26
10	KDHE Wastewater Loan	New sewer lines around 1st and Birch and around the Westminster area.	\$3,000		TranSystems	Pre-bid.	Waiting on final loan document (waiting on KDHE). Working on obtaining easements.	Receive final loan document (waiting on KDHE). Working on obtaining easements, six left. Preparing condemnation.	1Q23	2Q23
11	Water Tower Maint.	Maintain and Coat North Water Tower	\$240		N/A	Pre-construction.	Prepare RCA for logo addition.	Wait for construction.	1Q23	2Q23
12	CDBG	Lakeview lift station, I and I abatement.	\$1,700	\$700	TranSystems	In construction.	Continue lift station, lining work.	Continue lift station, lining work.	3Q22	3Q23
13	City Hall/Fire/EMS	Refinish City Hall, construct new Fire/EMS personnel spaces.	\$10,000		Treanor	In construction.	Construction in progress.	Construction in progress, City Hall HVAC work started; EMS punchlist.	1Q22	2Q23
14	Enterprise Drive	Buildout of street, utilities	\$1,700	\$1,100	TranSystems	In construction.	Easements complete.	Start remaining intersection work (late January).	1Q22	1Q23
15	KDOT: Maple Street Cost Share	Complete rebuild, 17th Street to City Limits	\$3,100	\$1,600	TranSystems	In construction.	RR permits approved. Change order cost received.	Complete paving, open road fully to public. Review and decide on storm sewer change order.	1Q22	1Q23
A	Airport Terminal	Upgrades/Remodel	\$100	TBD	In-House	Hold.	RCA for FAA terminal replacement.	Apply for grant, wait.	TBD	TBD
B	Whiskey Creek	Artificial lake for runoff water impoundment	TBD		TranSystems	Hold.	Fifth meeting in July.	Sixth meeting TBD.	TBD	TBD
C	KDOT Bridge Grant	Replace Cherry Street bridge with box culvert.	\$400	TBD	TranSystems	Hold.	New grant application submitted.	Not awarded to the City.	TBD	TBD
D	KDOT KAIP	Airport Projects	TBD	TBD	Lochner	Prepare Grant.	RCA to Commission.	Grant applied for. Wait.	TBD	TBD
E	Public Works Building	New building for Water, Street, and Sanitation	\$4,000		Echelon	Hold.	Hold.	Hold.	TBD	TBD
F	Airport	Paving at airport to support business.	TBD	TBD	TranSystems	Developing.	Revised scope, proposal from VSE.	Planning revised scope execution.	TBD	TBD

Green shade denotes changed/new information from last month.